

## **11.7 Advocacy Organizations**



AO\_LT\_1229\_053

735 Commercial Street, Suite 3000  
 P.O. Box 1402  
 Klamath Falls, OR 97601  
 Phone: (541) 883-8100  
 Fax: (541) 883-8883

December 29, 2011

*VIA E-MAIL ONLY*

Elizabeth Vasquez  
 MP150, Bureau of Reclamation  
 2800 Cottage Way  
 Sacramento, CA 95825  
[klamathsd@usbr.gov](mailto:klamathsd@usbr.gov)

Gordon Leppig  
 California Department of Fish & Game  
 619 Second Street  
 Eureka, CA 95501  
[KSDcomments@dgif.ca.gov](mailto:KSDcomments@dgif.ca.gov)

**Re: Comments on Draft Environmental Impact Statement/Environmental Impact Report; Klamath Facilities Remand**

Dear Ms. Vasquez and Mr. Leppig:

This letter provides comments of Klamath Water Users Association (KWUA) and Klamath Water and Power Agency (KWAPA) on the September 2011 Draft Environmental Impact Statement / Environmental Impact Report on removal of four hydroelectric dams owned by PacifiCorp (DEIS/EIR). Our comments focus primarily on issues related to the Klamath Basin Restoration Agreement (KBRA).

Comment 1 - KBRA

**KBRA as "Connected Action"**

We believe the DEIS/EIR is not accurate in its characterization of "the KBRA" or, more specifically, characterization of the relationship of the Secretarial determination (and state concurrence) under the Klamath Hydroelectric Settlement Agreement (KHSA) to the KBRA and specific elements of the KBRA. The DEIS/EIR is also inconsistent in its treatment of these issues. Even if these matters do not affect the ultimate conclusions regarding the proposed action or its effects, they are important for several reasons.

An example of what we consider to be inaccurate is that, in a number of locations, the DEIS/EIR describes "the KBRA" as a "component" of the proposed action. (See, for example, pp. 3.2-125, 3.3-138, 3.4-19, 3.6-33, 3.7-18, 3.8-18.) This is not correct. Also, various discussions state or suggest that "the KBRA" would not be implemented without an affirmative determination on dam removal. (See, for example, pp. ES-23, 3.3-75, 3.5-43.) This is also not correct. For example, state agencies and others are parties to the KBRA and have implemented certain of its terms. As the DEIS/EIR recognizes, the Secretary will also, necessarily, be a party to the KBRA prior to the time of any Secretarial determination. (Page ES-2 and notes 1, 2.)

We believe much of the problem is in treating implementation of "the KBRA" as a single event. In fact, it is not that simple. We do not suggest that the implementation of all aspects of the KBRA will be identical regardless of what happens under the KHSA. We do suggest that

Elizabeth Vasquez / Gordon Leppig  
Re: Comments on Draft EIS/EIR; Klamath Facilities Remand  
December 29, 2011  
Page 2

← Comment 1 cont.

one must consider the actual terms of the KBRA. Table 1-1 on page 1-26 represents an effort to do so, but that table appears to be an afterthought. Its underlying logic ultimately does not appear to have been used in the DEIS/EIR. In that table, there is a column identified as “KBRA Programs Included In This Analysis As Connected Action Under NEPA.” In context, our understanding is that this means that these are “included” as connected actions even though they do not meet the definition of connected action.

In this regard, footnote 1 of the same table contains a statement that says that in the absence of facilities removal the KBRA “will not include” all of the components in its current form, and that “some activities could be substantially altered or avoided by parties . . . .” There is no basis for this. Nor is there a basis for other similar passages that state: that absent dam removal the “KBRA will not include all of the components in their current form” (pp. ES-3, 2-37); or that there are no alternatives that evaluate a new or revised KBRA that might exist absent dam removal (pp. ES-4, 2-38).

It would be more appropriate and accurate, we believe, to rely on specific terms of the KBRA. None say that the KBRA or any obligation within the KBRA “as written,” will disappear in the absence of an affirmative determination or dam removal. There do exist significant relationships and potential relationships between the Agreements. For example, if the KHSA terminates (one basis for which could be a negative determination) and the Party Tribes, United States, and Project irrigators do not agree on modified terms for a permanent water settlement, there would be no such settlement under the KBRA. (See KBRA §§ 15.3.4.C, 15.3.2.C, 15.3.6 (examples).) In this event, Appendix E-1 of the KBRA would not be filed. (KBRA § 15.3.1.A.) In turn, this would mean the “Refuge Allocation” in Section 15.1.2 would not become effective. (KBRA § 15.1.2.C.) Similarly, if the events occur that result in no water settlement under the KBRA, parties have certain rights to withdraw. (KBRA § 7.5.) These are, obviously, important KBRA terms. But the point is that the KBRA itself does not go away, nor do any of its terms, in the event of a negative determination. Rather, “implementation” of some terms may be different or different outcomes may be produced under the KBRA itself.

For our organizations it is also important that there are obligations under the KBRA that do not have a direct (or in some cases even a potential) relationship to the KHSA or its events. It may be that given KBRA activities with no connection or even potential connection to KHSA have no environmental impacts. But this does not affect the general concern identified here regarding discussion of “the KBRA.”

Ours is not merely a concern that the DEIS/EIR misstates bargained-for benefits. It also relates to ensuring that the document is clear and complete and adequate. For example, the DEIS/EIR sometimes states that it is providing “programmatic” review of KBRA activities. (For example, pp. ES-3, ES-4, 1-25, 1-26, 1-28, 3.1-4, 3.6-1.) Given that the Secretary and states will not, on the basis of this document, be approving the KBRA or any programs that will be proposed under the KBRA (see p. ES-4), we are uncertain of the use of the term “programmatic.” Likewise, the concept that review of KBRA-specific action will be “tiered” to this document (for example, p. 1-2) is not clear.

Elizabeth Vasquez / Gordon Leppig  
 Re: Comments on Draft EIS/EIR; Klamath Facilities Remand  
 December 29, 2011  
 Page 3

← Comment 2 - KBRA

The points here are relevant also to the descriptions of “the KBRA” relative to alternatives in Chapter 2 throughout the DEIS/EIR. In other words, there should be further consideration throughout to statements that concern whether “the KBRA” would be implemented under a given alternative. This is also relevant, of course, to the way in which alternatives are described in Chapter 2 of Appendix A.

Comment 3 - KBRA

Related to these observations, the results of the approach seem to include unnecessary breadth of subject matter that, in turn, leads to very general and speculative analysis and insufficient clarity as to the consequence of impact determinations or mitigation. Using an arbitrary example, the DEIS/EIR states that the Water Use Retirement Program may have a significant adverse affect due to noise, and identifies mitigation that is of uncertain applicability. Table S-4 and other tables and text contain numerous draft impact conclusions and mitigations for KBRA programs, but it is not clear what their relevance is, either now or in the future. If effects cannot be determined until there is an actual action or project proposed for approval, the DEIS/EIR should simply say that, rather than engage in speculation. Also, the routine statement that “implementation of the KBRA will require future environmental analysis as appropriate” may be misleading. The sentence implies (or will be read as implying) that everything that occurs under the KBRA is subject to NEPA (and CEQA for California agencies). This may or may not be the case for a given activity or obligation. At this time it is unnecessary to determine the necessary timing or scope of required analysis, but the standard for that determination is not a subjective evaluation of what is “appropriate”; it is an application of the law to determine what is required.

← Comment 4 - KBRA

The approach that the DEIS/EIR follows in this regard becomes more uncertain with the discussion of cumulative impacts (Chapter 4). For example, on page ES-3 the DEIS/EIR refers to federal regulations that require consideration of both “connected” and “cumulative” actions. (40 C.F.R. § 1508.25.) It states that “the KBRA” could be analyzed as a cumulative (or “similar”) action but describes the decision to treat “the KBRA” as a connected action. But in the cumulative impact discussion itself, the KBRA or KBRA elements are seemingly treated as the proposed action. (See, for example, p. 4-5 [describing cumulative effects area of analysis for “the KBRA”]; pp. 4-27, 4-94, 4-114 [specifically describing KBRA as “proposed action”].) This seems at odds with statements that there is no part of the KBRA being approved on the basis of this environmental document. (See p. ES-4.)

In summary, we believe a more careful and accurate consideration of the KBRA is appropriate. While one result of the problem we identify is that the DEIS/EIR appears to go further than is necessary for analysis of the effects of the proposed action, this itself has potential implications. The final document should acknowledge and appropriately address specific KBRA actions that could be indirect effects of the proposed action or have cumulative effects.

Elizabeth Vasquez / Gordon Leppig  
Re: Comments on Draft EIS/EIR; Klamath Facilities Remand  
December 29, 2011  
Page 4

Other specific comments related to these general points are as follows:

Comment 5 - KBRA

Page ES-2, final sentence. The reference to “private parties” is not entirely accurate. In fact, there are relatively few “private” parties to the KBRA. The term “non federal” parties would be more accurate for the context.

Similarly, on page ES-3, the first sentence of the second paragraph, is not completely accurate. There are “component parts” with a federal nexus that are being implemented. The most accurate statement would be that various component parts that are within existing legal authorities are being implemented.

Page 2-36, final sentence. Please see the preceding comment related to page ES-2.

Page 2-37, second paragraph. Please see the preceding comment related to page ES-3 and “federal nexus.”

For reasons similar to those stated above, it does not appear that Chapter 5 of the DEIS/EIR must or should include discussion of the KBRA.

Comment 6 - KBRA

#### Descriptions of KBRA Terms

As discussed in previous comments, we believe the DEIS/EIR includes more discussion of the KBRA—or at least of specific elements of the KBRA—than legally necessary. In addition, whatever discussion the final document may contain about the KBRA should be accurate. Below, we identify some of the specific matters that are not correct as stated in the DEIS/EIR, or that can be improved substantially.

The DEIS/EIR correctly notes that the commitments between the Party Tribes (and United States as trustee for basin tribes) and Klamath Project Water Users are major elements of the KBRA. However, there are inaccuracies. For example, on pages 1-24 and 1-25 the DEIS/EIR correctly identifies the five events that must occur in order for the Secretary to publish a notice under KBRA Section 15.3.4.A. However, the publication of this notice is the sole event that must occur before water rights assurances from the Party Tribes and United States become permanent. (See KBRA §§ 15.3.6, 15.3.9.A (examples).) Contrary to the statement on page 1-25, the tribes would not “make appropriate filings.” The relevant filings are by the Klamath Tribes and United States only—in the Klamath Basin Adjudication—and will already have been made. (KBRA § 15.3.B.ii.) Also, the six events listed on page 1-25 are not conditions that must be met in order for water rights assurances to become permanent. They *are* conditions that must be met before the Party Tribes will have relinquished certain claims against the United States. (KBRA § 15.3.5.C (example).) With respect to the Klamath Reclamation Project Diversion limits and the Refuge Allocation, the necessary conditions are those listed in KBRA Section 15.3.1.A. Finally, it should be made clear that the assurances here also run from the United States to Klamath Project Water Users, and that there are assurances that run from the water users to the Party Tribes and United States as well. (KBRA §§ 15.3.9, 15.3.2.C.)

Elizabeth Vasquez / Gordon Leppig

Re: Comments on Draft EIS/EIR; Klamath Facilities Remand

December 29, 2011

Page 5

← Comment 6 cont.

The comments in the immediately preceding paragraph are relevant also to Figure 2-14 on page 2-52. The title of this figure is “Key Milestones before Diversion Limits are Implemented.” However, it depicts more than is provided in KBRA Section 15.3.1.A, the section that pertains to establishing diversion limits.

Certain descriptions to water delivery to wildlife refuges should also be improved. For example, page 2-51 refers to the “Refuge Allocation.” The Refuge Allocation can serve wildlife purposes in LKNWR or TINWR. It will not, of course, duplicate pre-existing water delivery requirements for agricultural lands. In describing the quantities specified as “Refuge Allocation,” the document should explain that, while the diversion limitations in Table 2-19 refer to the quantified allocation, the KBRA does not require that all deliveries to the Refuge Allocation physically *be* water that was diverted from Klamath Lake. Inevitably, some of the water will originate from other sources (for example, from groundwater that is in the system). (See KBRA § 15.1.2.E.)

As a somewhat related matter, the DEIS/EIR frequently refers to “Water Diversion Limitations,” and in at least some circumstances that “program” is the context for discussing commitments for water to NWRs. (For example, pp. 3.5-61 through 3.5-63.) Irrespective of the labeling of activities, in the KBRA itself, Section 15.1.2, and particularly the Refuge Allocation in that section, are substantial new commitments. It would be appropriate to identify “refuge delivery obligations,” or a similar title as one of the “programs” under the KBRA (in the same manner that “Diversion Limitations” or On-Project Plan are now identified).

The DEIS/EIR frequently states or implies that the interim lake level and flow program would be applicable only in the “off-project” area. (Pages 3.2-131.) This is not correct. (See KBRA § 20.4.)

The DEIS/EIR also states that during an “interim” period, diversions would conform as closely as possible “to limitations that would ultimately result. (Page ES-23, fn. 3; p. 2-39 (second paragraph); p. 2-40 (fn. 5); p. 2-51 (first sentence).) There is no term of the KBRA to this effect, and all such discussion should be removed.

The DEIS/EIR discusses the On-Project Plan (OPP), and groundwater use under the OPP. Various aspects of this discussion require correction, as follows.

With respect to groundwater use, it is necessary to clarify what the KBRA does and does not provide. First, the limitations of the KBRA and OPP are not generally applicable in the Klamath Basin or to all groundwater use in the Klamath Reclamation Project. They are applicable to groundwater use occurring under the OPP. KWAPA needs to avoid implementation or administration of the OPP in a manner that would cause defined “Adverse Impact” of six percent reduction in certain springs. The baseline for assessing impact is year 2000 pumping levels (both within and without the Project). Thus, the relevant question is, does an incremental increase in pumping under the OPP cause a change of six percent flow in relevant springs as compared to the flow that would exist if year 2000 pumping levels were

Elizabeth Vasquez / Gordon Leppig  
Re: Comments on Draft EIS/EIR; Klamath Facilities Remand  
December 29, 2011  
Page 6

← Comment 6 cont.

maintained? There is no specific funding in Appendix C-2 to remedy an “Adverse Impact.” It is, however, KWAPA’s responsibility to avoid or cure any such impact. Based on the preceding, there is a need to modify discussion on pages 2-53, 3.3-143, 3.7-19, 5-4. There are also frequent references in the DEIS/EIR to a “groundwater monitoring plan,” under the KBRA. We are uncertain of the specific plan being referenced, and suggest this be clarified. With these points noted, we also believe that there are certain aspects of the discussion of groundwater that are important to retain. For example, the KBRA contractual commitments are an additional limitation and overlay to applicable state and local law. Also, in the *absence* of the KBRA or OPP, there would be groundwater use in the OPP area.

Also with respect to the OPP, the DEIS/EIR repeatedly identifies “drip irrigation” as a significant conservation or efficiency measure expected under the OPP. Based on water quality (e.g., algae that plugs emitters), weather (temperature), crops and cultivation practices, and multiple other factors, this is unlikely. In addition, from the perspective of overall Project water availability and the purposes of the OPP (KBRA § 15.2), the water “savings” associated with such practices would likely be limited and extremely disproportional to cost. We recommend elimination of the disproportional emphasis on this possible tool.

Certain passages of the DEIS/EIR refer to power for water management programs as being useful to “maintain profitability” of operations. (See, for example, p. 5-5). While we agree profitability is important, we recommend you consider and make use of KBRA Section 17.1, which specifically identifies the purposes of the program.

← Comment 7 - KBRA

“KBRA Hydrology”

The DEIS/EIR refers to hydrologic conditions “under” the KBRA in ways that are sometimes not accurate. It is correct that implementation of various programs or commitments under the KBRA—such as diversion limitations or On-Project Plan for Klamath Project, WURP, Agency/Barnes, and Wood River Delta projects—can have hydrologic consequences. However, there is not, and it should be made clear that there is not, a *specific* KBRA flow regime in the Klamath River or a specific Upper Klamath Lake level regime. Rather, there will be more flexible management based on water availability and real-time consideration of fisheries issues. Thus, one cannot say that a specific flow or lake level regime *is* what will occur in the future.

As others have stated, the KBRA represents a change in operational paradigms. As related to the Klamath Project and diversions from the Klamath system, the KBRA contemplates that there will be a quantity available for diversion, determinable on March 1 of each year. It also contemplates that a technical advisory team will, with benefit of in-season information regarding fisheries, actual diversion, and other factors, provide guidance for real-time operations that will determine *actual* river flows and lake levels. This is different than inflexible approaches based on prescribed minimum flow levels (which may also prove to be maximum levels) that have characterized other years. Appendix E-5 of the KBRA (referenced on p. 2-19) presents a range of simulated conditions developed by some parties but not necessarily “the” flows or lake levels that will occur in a given hydrologic condition or year-type. There is a need

Elizabeth Vasquez / Gordon Leppig  
 Re: Comments on Draft EIS/EIR; Klamath Facilities Remand  
 December 29, 2011  
 Page 7

← Comment 7 cont.

for clarification on these issues. Relevant pages include: 3.3-96, 3.3-99, 3.3-126, much of Chapter 3.6, 3.8-14, and Figures 3.8-3, 3.8-4, 3.8-5, and 3.8-19.

One closely related concern is that the DEIS/EIR identifies effects to Upper Klamath National Wildlife Refuge. (Page 3.5-69.) This discussion may be misused if it is not corrected. Any such effects would be a function of future operational decisions and they are not a direct or necessary effect of “the KBRA.”

We are also very concerned with, and take exception to, passages that refer to biological opinion “flows” driving future management. (For example, p. 3.8-19 (top).) As stated previously, the KBRA contemplates a different paradigm. ESA regulatory approvals will be based on consideration of quantities that can be diverted. In fact, if there are not regulatory approvals for diversion consistent with Appendix E-1, the diversion limitation will not even come into being. (KBRA § 15.3.1.A.) The DEIS/EIR’s text must be revised.

We also request that it be clarified how the No Action / No Project hydrology was developed. (For example, Figure 2-7 on p. 2-16, Figures 3.6-5 and 3.6-6 on pp. 3.6-16 and 17.) If this is explained currently, we have not located the explanation. Do the simulations incorporate the “variable base flow” operation Reclamation has used in implementation of the 2010 biological opinion for coho salmon?

Also with regard to hydrology, we believe the description on page 3.6.9 of Table 3.6-1 is misleading. There are substantial issues related to the flow and exceedance levels in that table. Ultimately, we question the need or value of this attempt at detail in discussing ESA issues, given that this chapter concerns *flood hydrology*. It would be more relevant to include a reasonably thorough discussion of flood control functions and operations. Such discussion is currently lacking.

#### Socioeconomic Impacts

In general, to the extent the DEIS/EIR is to include discussion of socioeconomic issues associated with irrigation in the Upper Klamath Basin and the KBRA or KBRA and KHSR, we believe there is a significant omission. In particular, the document should recognize and evaluate the economic and accompanying socioeconomic effects of water supply reliability. This is a major purpose of the KBRA. Reliability can positively affect the overall value of production, employment, and other related factors in a number of ways.

As a second general comment, there are apparent assumptions about baseline hydrologic conditions and water availability that are of uncertain origin. This is addressed also in more specific comments that follow. In addition, our comments directed to other issues such as the KBRA generally or other specific sections of the DEIS/EIR are relevant to the socioeconomics section as well.

← Comment 8 - Economics

Elizabeth Vasquez / Gordon Leppig  
Re: Comments on Draft EIS/EIR; Klamath Facilities Remand  
December 29, 2011  
Page 8

← Comment 8 cont.

Page 3.15-4. Table 3.15.1. Though 2009 data is presented, it is more advantageous to capture an average of the regional economies for 2008, 2009, 2010. From data collected from R Riggs, W. (2010). Economic Value of Upper Klamath Basin Agriculture: IMPLAN (2007) Value Added Model. Oregon State University Extension Service, OSU Klamath Basin Research and Extension Center. [Verbal presentation given during meeting held with Oregon's Governor Ted Kulongoski in Klamath Falls, March, 2010]. Retrieved from <http://oain.oregonstate.edu/SelYearCharts.asp?sCountyName=Klamath&sCountyId=18> and <http://kwua.org/sites/kwua.org/files/3-31%20FINAL%20AM%20REPORT-TJ.pdf>, calculations show that in Table 3.15-1 *Employment within the Agriculture Industry Sector* should be 4,890 rather than 3,232 jobs.

Page 3.15-12. The last sentence in the first paragraph states that ocean sport fishing is reflected in the service sectors in the tables refereeing to the KMZ-CA and KMZ-OR 2009 regional economies (page 3.15.8). Sport Fishing should not be listed under *Services* and in general, the *Services* industry sector should be itemized and reflected in the tables rather than summarized.

Page 3.15-14. *In-River Sport Fishing* – The last sentence in this paragraph states that employment, labor income, and output related to fishing are reflected in the *Services* and *Trade* sectors in Table 3.15-12. Employment/Job and Output numbers reflected in these tables for the sport fishing industry are not correct as they are combined with other service and trade industries. As stated previously, the *Services* and *Trade* industry sectors reflected in the tables should be itemized further as the table and DEIS narrative do not display or explain other activities that may be included in these sectors (e.g. whitewater boating verse sport fishing) which should be itemized for more accurate *Output* figures. The tables and narrative do not accurately account for the number of jobs or the correct dollar value of just the sport fishing industry, whitewater boating, or other industries included in the *Service* and *Trade* Sectors.

Page 3.15-25. Table 3.15-23 *Representative Crop Prices from 2005-2009* – The Annual Unit Month (AUM) for *Irrigated Pasture* is not correct. The average \$/AUM for *Irrigated Pasture* should be \$25-35/AUM.

Page 3.15-25. Table 3.15-24 regarding the Average Gross Farm Revenue Generated on Reclamation's Klamath Project is incorrect, as it does not account for livestock produced within Project lands dependent on irrigated pasture.

Page 3.15-37/38. *KBRA* - With regard to assumptions about federal funding, the document assumes that if the KBRA were implemented that after year 15, federal funding in the Basin would return to existing conditions. This is not correct. The entire purpose of the KBRA is to fundamentally change the makeup of management, spending and decision making in the Basin. For example, existing federal funds are used for restoration projects in the upper basin, mid basin and lower basin with virtually no connectivity or coordination. Presumably, the KBRA will deal with a majority of all restoration projects needed in a more strategic fashion. This will affect the need for, and nature of, this type of federal funding in the future. Additionally, in the

Elizabeth Vasquez / Gordon Leppig  
 Re: Comments on Draft EIS/EIR; Klamath Facilities Remand  
 December 29, 2011  
 Page 9

← Comment 8 cont.

recent past, federal funding has been allocated to resource-related disasters or relief or mitigation. The KBRA is directed to negating the need for this kind of funding in the future.

Page 3.15-48. *PacifiCorp Hydroelectric Service* – the DEIS states the following: “Funds collected would be returned to rate payers or used for restoration actions.” We believe “Restoration” should be changed to “relicensing”.

Page 3.15-50. *Irrigated Agriculture* - The description of model runs (KB\_IEM) under the No Action/No Project alternative predicts five drought years. How does the DEIS define drought and the frequency of drought? Does this include regulatory constraints that can limit water supply to Reclamation contractors? The assumptions and basis for the model predicting the rate and frequency of drought are not clear.

This section also claims that “under the No Action /No Project alternative, farm revenues would remain the same as existing conditions”. We believe this is too simplistic and inaccurate, and that it does not effectively identify existing conditions. If continued, water supply instability and dramatically increasing power rates that have characterized the recent past may significantly affect future farm revenues in a number of ways.

Table 3.15-37. Due to numerous market variables and unknown market cycles, the given estimates for *Gross Farm Revenue for the No Action / No Project Alternative during Drought Years* will be incorrect.

Page 3.15-51. The second paragraph refers to the Klamath Water and Power Association. “Association” should be changed to Agency. In the same sentence, the document refers to the Water User Mitigation Plan. “Plan” should be changed to “Program”.

Page 3.15-51. The last sentence in the first paragraph states that *Electric costs and on farm groundwater pumping costs would not be impacted under the No Action/No Project Alternate*. It should be made clear that electrical costs and groundwater pumping costs will increase without implementation of the KBRA and KHSA.

Page 3.15-51. We do not believe it is correct that the “authorization” for the WUMP ends in 2012.

Page 3.16-60. The third sentence in the second paragraph incorrectly assumes that discretionary income will be spent for and increase fishing expenditures under the No Action/No Project Alternative.

Page 3.15-71. *Irrigated Agriculture* – Again the rationale for using five future drought years based on the frequency of past drought years is unclear. The last sentence on Page 3.15.71 reads as follows: “The increases in gross farm revenue and output in the regional economy would change hydroelectric facility removal effects because facility removal does not affect irrigated agriculture.” This sentence is difficult to understand. Lack of facility implementation of

Elizabeth Vasquez / Gordon Leppig  
Re: Comments on Draft EIS/EIR; Klamath Facilities Remand  
December 29, 2011  
Page 10

← Comment 8 cont.

the KBRA and KHSA can affect irrigated agriculture if it results in unstable water supplies resulting in a continued decline in the region's economies by loss of agricultural contributions.

Page 3.15-72. The fourth sentence on this page states that, "Irrigators are pumping more groundwater in the Proposed Action compared to the No Action/No Project Alternative..." This assumption is not correct or at best speculative; it is also inconsistent with other portions of the DEIS/EIR that state that the amount groundwater pumping under no action is uncertain. Thus the sentence and any related analyses must be changed. Note also, for example, that from 2003 – 2007 groundwater pumping in the Klamath Reclamation Project occurred every year, regardless of actual hydrology. Under full implementation of the KBRA, this would not have occurred.

Page 3.15-72. The second sentence in the last paragraph states that farmers are paying more for electricity to pump groundwater under the Proposed Action and therefore, household income would reduce by the additional money spent to pump groundwater. This statement should be re-written as it is also true as electricity rates and pumping costs will increase for the No Action/No Project Alternative. Through implementation of the KBRA, farmers will have the opportunity to enter programs that create cost and use stability for the groundwater resource.

Page 3.15-73. Table 3.15.57 *Regional Economic Effects from Increased Pumping Costs between the No Action/no Project Alternative and Alternative and Alternative 2, the Proposed Action* is not clear nor understandable. The table does not show the comparison between the alternative actions and it is not clear what the figures given are meant to reflect. More detail and description should be given.

Page 3.15-73. The last sentence on the page uses the term "water right sale" in reference to implementation of the Water Use Retirement Program (WURP). This reference and the underlying assumption should be removed. A "water right sale" is but one measure that may be employed in order to fulfill the WURP purposes. Other measures approved include temporary forbearance agreements, short-term water leasing, split season irrigation, effects of upland management and juniper removal, instream flow increases deriving from water efficiency projects, dryland crop alternatives in lieu of irrigation, effects of natural storage and other similar measures (see KBRA Section 16.2.2.(E)). In addition, in the discussion and analysis of WURP generally, there should be recognition of the stabilizing effects available under KBRA and the associated beneficial socioeconomic benefits.

Overall, use and implementation of the IMPLAN model was not correctly utilized as the IMPLAN model incorporates numerous industries that are not relevant to the Klamath River Basin (e.g. micro chip processing). Therefore, because the implemented IMPLAN model included industries that are not relevant, the resulting data and figures show industry leakage when in fact there is none. The utilization of the IMPLAN model should be refined to reflect only the industries that occur in the Klamath River Basin.

Elizabeth Vasquez / Gordon Leppig  
 Re: Comments on Draft EIS/EIR; Klamath Facilities Remand  
 December 29, 2011  
 Page 11

Comments added to Errata

Comment 10 - Other/Gen.

Miscellaneous Specific Comments

Comment 9 - Other/Gen.

The blue-shaded box on page ES-7 omits the fact that a major purpose and function of Link River Dam is water storage for irrigation in the Klamath Reclamation Project.

Page ES-8. Relative to the entry for 1917, it would assist the reader to state that the "blockage" occurred by a railroad embankment.

Comment 11 - Other/Gen.

Page ES-9. The release of Public Draft KBRA and the Agreement in principle that preceded the KHSA (both of which occurred in 2008) merit mention here.

Page ES-10. The short form "Klamath Settlement" is identified here, and on page 1-18 as a term used "herein," but the term does not appear to actually be used.

Comment 12 - Other/Gen.

Page ES-23. With respect to the Water and Power Programs, it would be more accurate on this page to state that the programs include a limitation as described "and delivery commitments for Tule Lake and Lower Klamath NWRs."

Comment 13 - KBRA

Page ES-19, section ES 4.2. A paragraph in the center of the page states that Project water users agree to accept "reduced water deliveries." This is imprecise and could cause unnecessary concern among persons not completely familiar with the agreement. The Klamath Project parties have agreed to accept a limitation on diversions from Upper Klamath Lake and the Klamath River, and have agreed to develop a program that will allow them to operate within the limitations through the use of other supplies, efficiency measures, voluntary limitations on demand, and other measures.

Comment 14 - KBRA

Comment 15 - Land Use

Pages 1-4 and 1-6. While we recognize that there have been land use changes in the Klamath Basin, we believe there are statements targeting agriculture that are of questionable accuracy. For example, there is reference to draining "hundreds of thousands" of acres of wetlands below Upper Klamath Lake. Even if this figure includes the open water areas of former Tule Lake (which were not wetlands), it appears inflated. To the extent it is also part of the basis for the "62 percent" number on page 1-4, that number should also be re-evaluated.

Pages 1-11 and 1-12. See comments above concerning pages ES-8 and ES-9.

Page 1-15, first full paragraph, final sentence. Under the referenced agreement, releases for downstream power generation were subject to irrigation needs in the Klamath Reclamation Project.

Comment 16 - Other/General

Page 1-24, first paragraph. We suggest that the term "most" be modified, primarily because the parties to the agreement are representative organizations. It would be accurate to say that both on- and off-project irrigators would be limiting diversions.

Also, with regard to this same paragraph, affordable power supplies, affordable power is not a specific "quid pro quo" for reduction in water use. For example, it is entirely possible for

Elizabeth Vasquez / Gordon Leppig  
Re: Comments on Draft EIS/EIR; Klamath Facilities Remand  
December 29, 2011  
Page 12

← Comment 16 cont.

Comment 17 - General/Other

an off-project water user to be eligible for the power benefits without reducing his or her surface water diversions (although other criteria would have to be met). (See KBRA § 17.3.2.C.)

Pages 1-26 and 1-27 (Table 1-1). We suggest this table also include references to interim water assurances between Project water users, Party Tribes, and the United States; none of these interim assurances are linked to an affirmative determination or dam removal. We also suggest inclusion of the “regulatory assurances” from non-regulatory parties (KBRA § 21.3.1.B), which are important commitments. We believe that the identification of certain items as “linked” to dam removal or a Secretarial determination is questionable. These include but are not necessarily limited to fish entrainment reduction and habitat conservation plans (other than a “general” HCP).

Comment 18 - KBRA

Page 1-28, second paragraph. Certain contractual commitments in the KBRA extend beyond 50 years or are perpetual. (See, for example, KBRA §§ 15.3.10, 15.1.2.K.)

Page 2-40, Table 2-15. Under Water and Power Programs, it would be most accurate to say “Water Diversion Limitations and Allocations . . . Refuges (NWR).” Also, the “Winter Shortage Plan” is not a program but merely a “loose end” left to future resolution with respect to the Refuge Allocation. It should be deleted from this table.

← Comment 19 - KBRA

Page 2-47. With respect to groundwater monitoring, the “Adverse Impact” term of the KBRA relates to flows of springs rather than the Klamath River. Also, the reference to developing 10,000 acre-feet of storage does not describe a specific goal of the KBRA. The relevant bullet should simply say “Provide additional storage . . .”

← Comment 20 - KBRA

Comment 21 - KBRA

Page 2-48, “Additional Water Storage.” We recommend the first sentence be modified to eliminate any reference to total quantity, as indicated in the immediately preceding comment.

Page 2-48, bulleted items near end of page. As noted above, “Winter Shortage Plan” is not a program, and this bullet should be deleted. The same comment applies to page 2-54.

← Comment 22 - KBRA

Page 2-53. With respect to the three bulleted items at the top of this page, the authors should review the updated Appendix C-2. We believe there was funding identified in the original Appendix C-2 for activities that are not actually described in the KBRA itself and that, in any event, these items are not applicable as stated.

← Comment 23 - KBRA

Page 2-57, Drought Plan. The Drought Plan “Lead Entity” has completed the proposed Drought Plan and submitted it to the Department of the Interior under KBRA Section 19.2.3.D. This comment is also applicable to other sections and pages of the DEIS/EIR including page 3.8-24.

← Comment 24 - KBRA

Page 2-58, Climate Change. Technical assessment that the parties are likely to utilize is being developed under other general authorities. We recommend Reclamation update the description of this item.

← Comment 25 - KBRA

Elizabeth Vasquez / Gordon Leppig  
 Re: Comments on Draft EIS/EIR; Klamath Facilities Remand  
 December 29, 2011  
 Page 13

← Comment 26 - KBRA

Page 2-58, Environmental Water Management. The bulleted items relate to negotiated terms, the *specific* content of which is often important. Thus, the bullets should conform to the actual language of the commitments.

← Comment 27 - KBRA

Page 2-59, Table 2-20. Real time water management would apply throughout the term of the KBRA. This may be true of some of the other entries in Table 2-20 as well.

Page 2-61, Tribal Programs. The final sentence of the second paragraph under "Tribal Programs" is not a term of the KBRA. (See KBRA § 15.3.1.A.)

← Comment 28 - KBRA

Pages 3.2-130 and 3.2-131. With respect to the discussion of "water diversion limitations" and water temperature, we do not find any technical analysis that supports this conclusion. (Also applicable to Table 3.2-14 on p. 3.2-161.) Similarly, with regard to pages 3.3-142 and 3.3-143 and the conclusion that there would be certain beneficial effects from reduced diversion, we do not find any technical analysis that supports this conclusion.

← Comment 29 - Water Quality

Page 3.3-140, Fisheries Reintroduction and Management. The DEIS/EIR describes with some specificity future hatchery operations, fish transport, and other matters related to future fish management. We are unaware of the specific plans that are described having been proposed or adopted, and request clarification of the basis for these statements.

← Comment 30 - Fish

Page 3.5-11, Terrestrial Resources, Upper Klamath River. In this section, and throughout Section 3.5, there is essentially no recognition of the benefits of farm and ranchland for wildlife. There is a single statement that croplands surrounding NWR lands provide food for waterfowl. While this statement is true, it represents only one aspect of the much broader reality that private farm and ranch land in the Basin provides very considerable benefit to wildlife. The document thus perpetuates an unfortunate and uninformed stereotype that NWRs are good and virtually anything else is bad for wildlife.

← Comment 31 - Terrestrial/WL

Page 3.5-67, Impacts on Habitat Management. Under current law, habitat enhancement is not a permissible use of lease revenues.

← Comment 32 - Terrestrial/WL

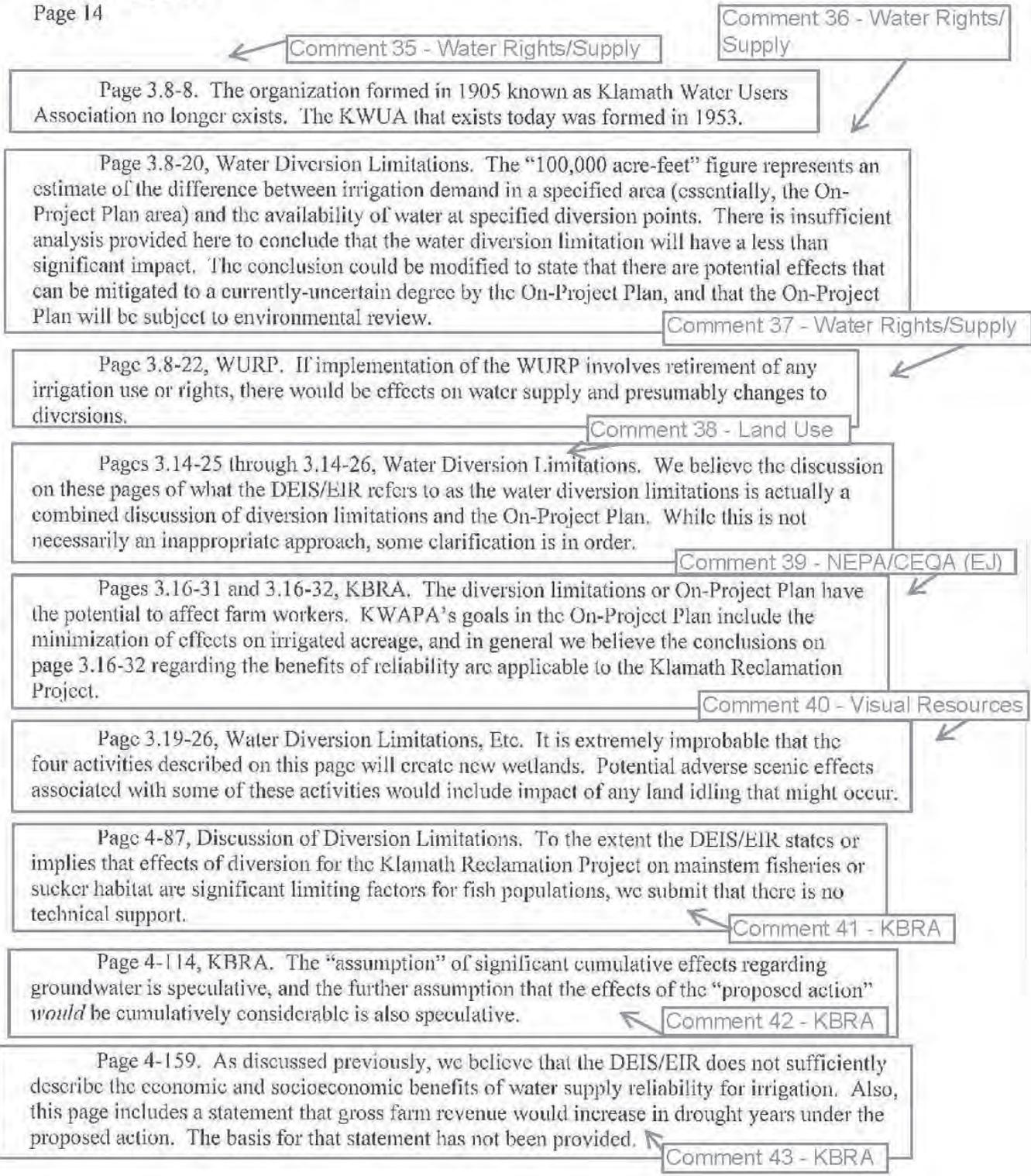
Page 3.5-68, first paragraph. It is extremely unlikely there will be meaningful differences in the water supply to Sumps 1(A) and 1(B) when comparing KBRA to "no KBRA." There may, however, be greater flexibility in draining and refill of the Sumps in a manner that USFWS considers beneficial. Also, the description of irrigation water availability may not be consistent with other sections of the DEIS/EIR. We suggest this paragraph be deleted or modified.

Page 3.6-36, Interim Flow and Lake Level Program. This paragraph includes a statement that "these flow changes would be similar to what is currently recommended under biological opinions." This statement does not relate to any terms of the KBRA and there is no obvious basis for the statement.

← Comment 33 - Terrestrial/WL

← Comment 34 - Hydrology/  
Flooding

Elizabeth Vasquez / Gordon Leppig  
Re: Comments on Draft EIS/EIR; Klamath Facilities Remand  
December 29, 2011  
Page 14



Elizabeth Vasquez / Gordon Leppig  
 Re: Comments on Draft EIS/EIR; Klamath Facilities Remand  
 December 29, 2011  
 Page 15

← Comment 44 - Envr. Justice

Page 4-163, KBRA. As described previously, we believe the DEIR/EIR does not sufficiently describe the economic and socioeconomic benefits of water supply reliability for irrigation. Also, this page discusses KBRA activities in the Off-Project area. The baseline condition, present or future, is an important consideration. Finally, it is extremely difficult to conceive how the Off-Project reliance program has even the potential to disproportionately affect low income and minority farm workers.

Page 5-102. It is highly speculative that all of the KBRA programs listed on this page will have significant impacts on cultural and historic resources. As to the WURP and On-Project Plan, we are not certain what those impacts would be.

← Comment 45 - KBRA

Page 5-103, Economic effects of use of groundwater to offset surface water.

← Comment 46 - KBRA

Pages 5-103 – 5-104, Water leasing and Off-Project reliance program. As stated previously, we do not believe the Off-Project reliance program as designed could have an adverse socioeconomic impact; its purpose is to avoid or mitigate adverse or socioeconomic impacts that might otherwise occur from unanticipated events. In addition, as discussed previously, we believe the DEIR/EIR does not sufficiently describe the beneficial economic and socioeconomic effects of water supply reliability for irrigation.

← Comment 47 - KBRA

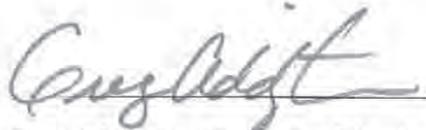
Page 5-104, Environmental Justice. Please see previous comments. We believe the DEIS/EIR does not sufficiently describe the beneficial economic and socioeconomic effects of water supply reliability for irrigation.

← Comment 48 - Environmental Justice

Finally, the DEIS/EIR provides discussion of a broad range of subjects and many technical issues. Our organizations do not necessarily agree with the discussions of all issues not covered in the above comments. Based on time, resources, and the actual and appropriate purpose of the DEIS/EIR, we have not commented on every issue.

### Conclusion

Please contact us at (541) 883-6100 or [greg@kwua.org](mailto:greg@kwua.org) (Greg Addington), or (541) 850-2503 or [hollie.cannon@kwapa.org](mailto:hollie.cannon@kwapa.org) (Hollie Cannon), if you have any questions or desire additional information in regard to the above comments.



Greg Addington, Executive Director  
 Klamath Water Users Association



Hollie Cannon, Executive Director  
 Klamath Water And Power Agency

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

---

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_LT_1229_053-1	<p>1. The Klamath Basin Restoration Agreement (KBRA) would not be implemented without an Affirmative Determination.</p> <p>There are some components of the KBRA that would occur without an Affirmative Determination on dam removal. These elements are described and analyzed in the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) under the No Action/No Project Alternative. Furthermore, while it is technically possible that other elements of the KBRA could be implemented without an Affirmative Determination on dam removal, implementation of many of those actions would not occur because many of its provisions, in particular those related to diversion limitations and associated flows in the lower Klamath and lake levels in Upper Klamath lake, are predicated on the ecological benefits of removing Klamath dams. Guessing which provisions might be implemented and which might not without an Affirmative Determination on dam removal would be speculative and is beyond the scope of this EIS/EIR.</p> <p>2. Implementation of KBRA would be different under a Negative Determination.</p> <p>The purpose of the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) environmental review process is to disclose to decision makers and the public the significant environmental effects of a Proposed Action or project (40 CFR Section 1502.1). In this case, the Proposed Action is the removal of the Four Facilities from the Klamath River. While the KBRA is a connected action, it is not the Proposed Action and an analysis of alternatives to the KBRA would be speculative and beyond the scope of this analysis.</p> <p>The KBRA is analyzed as a connected action. NEPA defines connected actions as those actions that are closely related or cannot or will not proceed unless other actions are taken previously or simultaneously (40 CFR 1508.25(a)(1)(ii)). Some actions or component elements of the KBRA are independent obligations and thus have independent utility from the Klamath Hydroelectric Settlement Agreement (KHSAs), but the implementation of several significant elements of the KBRA package would be different, if the determination under the KHSAs is not to pursue full dam removal (see Table 1-1).</p> <p>3. Programmatic analysis of KBRA</p> <p>Many of the elements of the KBRA are still subject to the future development of plans and implementation strategies. Recognizing that implementation of many elements of the KBRA is unknown</p>	No

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

Comment Code	Comment Response	Change in EIS/EIR
	<p>and not reasonably foreseeable at this time, the connected action analysis is being undertaken at a programmatic level. The KBRA analysis in this EIS/EIR is programmatic, as described in Section 15168 of the CEQA Guidelines. A program-level document is appropriate when a project consists of a series of smaller projects or phases that may be implemented separately. Under the programmatic EIR approach, future projects or phases may require additional, project-specific environmental analysis including an evaluation of compliance with Federal laws such as the Clean Water Act (CWA) and the Endangered Species Act (ESA). Consequently, appropriate NEPA compliance will be completed for the separate KBRA components in the future. Therefore, it is anticipated additional NEPA and CEQA analyses for the suite of actions contained in KBRA will be tiered as appropriate to this EIS/EIR.</p>	
AO_LT_1229_053-2	<p>Alternatives 2 and 3 include full implementation of the KBRA as a connected action. The No Action/No Project Alternative and Alternatives 4 and 5 include resource management actions (described in Section 2.4.2 of the EIS/EIR) that were started or under consideration before the KBRA was developed and would move forward even without the KBRA. These alternatives do not include full implementation of the KBRA. This approach is consistent throughout the impacts analysis sections in the EIS/EIR and Appendix A.</p>	No
AO_LT_1229_053-3	<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
AO_LT_1229_053-4	<p>NEPA and CEQA require consideration of all reasonably foreseeable actions that may occur (including actions or projects being carried out by other agencies or individuals) that could contribute to cumulative effects. The KBRA is in the early planning stages and is a connected action in this EIS/EIR; however it is reasonably foreseeable and could cause environmental effects that could combine with those of the Proposed Action to result in cumulative effects. Therefore, it has been analyzed in the cumulative effects analysis of this EIS/EIR.</p>	No
AO_LT_1229_053-5	<p>1. Correction to p. ES-2 and p. 2-36</p> <p>The phrase “private parties” has been replaced with “non-Federal parties”.</p> <p>2. Correction to p. ES-3 and p. 2-37</p>	Yes

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

---

Comment Code	Comment Response	Change in EIS/EIR
AO_LT_1229_053-6	<p>The phrase “without a Federal nexus” has been replaced with “within existing legal authorities”.</p> <p>3. Discussion of KBRA in Chapter 5</p> <p>The Lead Agencies have included analysis of the KBRA in Chapter 5 because it is analyzed as a connected action in the EIS/EIR.</p> <p>There are many issues raised in this comment and they are addressed individually as follows:</p> <p><b>Pages 1-24 and 1-25:</b></p> <p>The information on p. 1-24 and 1-25 is correct. The filings in the Klamath Basin Adjudication are related to specific claims and contests. The events described on p. 1-24 and 1-25 are related to both the water rights assurances that specific tribes will not exercise their senior water rights as well as the relinquishment of certain claims. These assurances must be filed in an appropriate forum which is yet to be determined. Before the tribes will file these assurances and release of claims, several milestones need to have been reached including the publication of the Secretarial Notice. These milestones are summarized in the bullet points on p. 1-25.</p> <p><b>Page 2-52:</b></p> <p>Before Appendix E-1, which implements the diversion limitations, can be filed, both the Secretarial Notice must be <b>published and the tribal assurances and release of claims must be</b> filed. The milestones listed in the EIS/EIR are precedent to the filing of Appendix E-1.</p> <p><b>Refuge Allocation:</b></p> <p>P. 2-51 correctly identifies the Refuge Allocation as being water primarily from Reclamation’s Klamath Project facilities. The document does not assert that this is entirely water diverted from Klamath Lake. The EIS/EIR analysis is clear that Reclamation’s Klamath Project gets water from a variety of sources including the Klamath River, Upper Klamath Lake, ground water, and the Lost River system. Table 2-19 describes the diversion limitations. The diversion limitations are applied only to water diverted from Upper Klamath Lake and the Klamath River. The Refuge Allocation varies by the water year forecast as do the allowable water diversions as described in Table 2-19.</p>	No

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

Comment Code	Comment Response	Change in EIS/EIR
	<p><b>Page 2-53:</b></p> <p>The KBRA does provide for potentially substantial changes in water delivery obligations as described on p. 2-53. However, the details of these potential changes are not yet known. The KBRA includes many programs that will undergo detailed development and analysis in the future. The KBRA analysis in this EIS/EIR, however, is programmatic, as described in Section 15168 of the CEQA Guidelines, because the details of this plan are unknown and not reasonably foreseeable at this time. A program-level document is appropriate when a project consists of a series of smaller projects or phases that may be implemented separately. These programs will likely undergo detailed development and analysis in the future. Therefore, it is anticipated additional NEPA and CEQA analyses for the suite of actions contained in KBRA will be tiered as appropriate to this EIS/EIR.</p> <p><b>Interim Lake Level and Flow Program:</b></p> <p>The section referenced, p. 3.2-131, does not imply that the Interim Lake Level and Flow program is limited to the off-project area. This water quality analysis identifies benefits of the program to Upper Klamath Lake water quality.</p> <p><b>Interim Period:</b></p> <p>There are a number of provisions in the KBRA that address how the parties will act during the interim period which is defined in the KBRA as occurring between the Effective Date of the agreement (2010) and the time when the water diversion limitations become permanent. The parties to the KBRA are directed to support the agreement and to conduct their activities in a manner that is consistent with the goals of the KBRA.</p> <p>The terms described in the text are contained in Sections 15.1.2.J, 15.3.2, 15.3.3, 15.3.6, 15.3.7, 15.3.8, 15.3.9, 1.1.2, etc. In numerous places throughout the agreement the parties agree to conform to the terms of Appendix E-1 as closely as possible. The agreement further recognizes that there may be legitimate reasons why it is not possible to conform to the diversion limits in Appendix E-1 until the On-Project Plan can be implemented.</p> <p><b>Adverse Impact of ground water use:</b></p> <p>The EIS/EIR does not indicate that the On-Project Plan applies generally to the Klamath Basin. The effects of ground water pumping on specific springs would need to take into account ground water use in off-project areas (KBRA Section 15.2.4.A.ii).</p>	

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

---

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
---------------------	-------------------------	--------------------------

Appendix C-2 identifies a line item for “Costs Associated with Remedy for Adverse Impact” that immediately follows the line item for “Ground Water Technical Investigations.” There are no dollar amounts identified for the period between 2012 and 2021; however, this would be expected as the need for remedies would occur only after implementation of the On-Project Plan.

The referenced pages are not incorrect. The text on p. 5-4 is perhaps a bit over generalized and the relevant sentence in the third paragraph of Section 5.2.2 will be corrected to read “The ground water monitoring plan and pumping limits under the KBRA would also protect *specific springs* on the mainstem, thus providing stable habitat conditions to support the species of the Basin.”

**Ground Water Monitoring:**

There are numerous references to the requirement to monitor ground water throughout KBRA Section 15.2.4. It is likely that this monitoring would be conducted under the auspices of the On-Project Plan, although that does not appear to be required. The EIS/EIR has included the ground water protection provisions of the KBRA in a programmatic manner. The On-Project Plan has not yet been developed and the specifics of implementation are not known at this time. Future decisions, such as may be necessary to adopt and implement provisions of the On-Project Plan would be subject to analysis under NEPA and compliance with applicable laws and regulations such as ESA.

**Drip Irrigation:**

Drip irrigation is mentioned once in Section 3.8 Water Supply, as an example of a conservation measure.

**Power for Water Management:**

The interim power program is intended to provide power to eligible users at a power cost target that is at or below the average cost for similar drainage projects in the surrounding area. The EIS/EIR notes that there are many factors that affect electricity rates and thus it is difficult to assess how rates may change, if at all. We agree that the statement on p. 5-5 in the second paragraph will be modified to “Under the Power for Water Management Program of the KBRA, irrigators participating in the program would be eligible for adjusted power rates, which would continue to allow area farmers to pump water at electricity rates at a cost at or below the average cost for similar drainage projects that would maintain the competitiveness of their operations.”

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
---------------------	-------------------------	--------------------------

AO_LT_1229_053-7	1. Text has been added to Section 3.8 to reflect the management flexibility allowed by the KBRA.	Yes
------------------	--	-----

2. Text has been revised to reflect comment.

3. The Biological Opinions affect operations under the No Action/No Project Alternative and would still be involved in governing flows under the Proposed Action.

4. It was not possible to incorporate variable base flows in the model because of the uncertainty and flexibility in how they are operated. The base flow was assumed to follow the schedule below and did not incorporate variation from year to year.

KPSIM Timestep	Iron Gate Target Flow (cfs)
Oct	1300
Nov	1300
Dec	1260
Jan	1130
Feb	1300
Mar 1-15	1275
Mar 16-31	1275
Apr 1-15	1325
Apr 16-30	1325
May 1-15	1175
May 16-31	1175
JUN 1-15	1025
JUN 16-30	1025
JUL 1-15	805
JUL 16-31	805
Aug	942
Sep	1000

5. The ESA will continue to provide a regulatory backdrop against KBRA management. The KBRA was designed to include measures that would improve conditions resulting in future management under the ESA that are less flow dependant.

AO_LT_1229_053-8	This response responds to specific points made in the comment separately.	Yes
------------------	---	-----

1. Socioeconomic Impacts The issue of water supply reliability is considered in the hydrology analyses. The hydrology analysis modeled the results with the implementation of the KBRA,

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

---

Comment Code	Comment Response	Change in EIS/EIR
	<p>including the components of the KBRA designed to enhance water supply reliability. The hydrology inputs are key input in the economics analysis. The hydrology analysis is discussed in detail in "Hydrology, Hydraulics and Sediment Transport Studies for the Secretary's Determination on Klamath River Dam Removal and Basin Restoration," Technical Report No. SRH-2011-02. Prepared for Mid-Pacific Region, Bureau of Reclamation, Technical Service Center, Denver, CO (Reclamation 2012e). This report can be found on <a href="http://www.klamathrestoration.gov">www.klamathrestoration.gov</a>.</p> <p>2. P. 3.15-4. Table 3. 15.1. Using an average of multiple datasets would not add additional information for the decision maker. In addition, the modeling package used to assess the regional economic impacts stemming from the expenditures associated with each alternative (IMPact analysis for PLANning [IMPLAN]) does not allow averaging across calendar years. IMPLAN is an economic input-output modeling system that estimates the effects of economic changes in a defined analysis area. IMPLAN is a static model that estimates impacts for a snapshot in time when the impacts are expected to occur, based on the makeup of the economy at the time of the underlying IMPLAN data. The Minnesota IMPLAN Group creates the datasets which represent the local economy specified in the specific analysis. Each dataset describes the local region for a specific calendar year. This approach is used to compare the alternatives relative to the No-Action alternative. The goal of this analysis is not to predict or forecast the regional economic indicators, the goal of the analysis is to show a comparison of each alternative relative to No-Action.</p> <p>3. The Riggs, W. (2010) analysis relied on the same input-output model (IMPLAN) that was used for the regional economic analysis in the Draft EIS. However, the Riggs study used the 2007 IMPLAN dataset. The Draft EIS analysis used the 2009 dataset. This is a significant difference between the two analyses. The Minnesota IMPLAN Group creates datasets representing your local economy for a specific year based on the makeup of the economy at the time of the underlying IMPLAN data. Every November, Minnesota IMPLAN Group releases a new annual data set. Because each data set describes the local region for a specific calendar year it is conceivable that employment may differ between the 2007 dataset compared to the 2009 dataset used in this analysis because economic conditions are not static between years.</p> <p>4. P. 3.15- 12. The IMPLAN model relies on a 440-sector scheme which relies on the Bureau of Economic Analysis's Benchmark Input-Output Study. This analysis aggregated the results into 2 digit North American Industrial Classification System (NAICS).</p>	

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

Comment Code	Comment Response	Change in EIS/EIR
--------------	------------------	-------------------

The NAICS is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. More information on the NAIC's classification scheme can be found at <http://www.census.gov/eos/www/naics/>.

Recreation activities generally impacted the following sectors,

Expense category	IMPLAN Sector
Lodging	411 Hotels and motels- including casino hotels
Food/drink	413 Food services and drinking places
Public transportation (e.g., bus, train, plane)	336 Transit and ground passenger transportation
Rental of boat/fishing/camping equipment	363 General and consumer goods rental
Parking/access/boat launch fees	432 Other State and local government enterprises
Bait/ice	329 Retail stores - General merchandise
Gasoline	326 Retail stores - Gasoline stations
Charter passenger fees/tips	338 Scenic and sightseeing transportation and sup

The sectors related to the recreation analyses are discussed in more detail in Benefit Cost and Regional Economic Development Technical Report For the Secretarial Determination on Whether to Remove Four Dams on the Klamath River in California and Oregon which can be found on [www.Klamathrestoration.gov](http://www.Klamathrestoration.gov).

5. P. 3.15-25. Table 3.15-23 The data sources used for crop prices are from published sources. Irrigated pasture prices were taken from the United States Department of Agriculture (USDA) National Agricultural Statistics. County – Crops Quick Stats.

6. P. 3.15-25. Table 3.15-24 The regional economic analyzed the incremental differences in crop production between the No Action and Action alternatives. The assumption was made that during the five modeled drought years that livestock producers would

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

---

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
	<p>purchase hay from outside the region, therefore there would be not impact on gross farm revenue.</p> <p>7. P. 3.15-37/38 The comment author is correct. Text in the Final EIS/EIR has been changed to reflect the comment.</p> <p>8. P. 3.15-48. The text is correct; funds could go towards restoration.</p> <p>9. P. 3.15-50. The hydrology inputs are key input in the economics analysis. The hydrology analysis is discussed in detail in "Hydrology, Hydraulics and Sediment Transport Studies for the Secretary's Determination on Klamath River Dam Removal and Basin Restoration," Technical Report No. SRH-2011-02. Prepared for Mid-Pacific Region, Bureau of Reclamation, Technical Service Center, Denver, CO. This report can be found on <a href="http://www.klamathrestoration.gov">www.klamathrestoration.gov</a>.</p> <p>The No Action case assumes the continuation of existing conditions. The regional economic analysis and agricultural analysis used the most current power rates obtained from KWAPA.</p> <p>10. Table 3.15-37. Market variables are outside the scope of this analysis and are not impacted by the alternatives analyzed. The cyclical nature of agriculture commodity and prices and yields are captured by using average price and yields.</p> <p>11. P. 3.15-51. These corrections will be reflected in the Final EIS.</p> <p>12. P. 3.15-51. The No Action/No Project Alternative case assumes the continuation of existing conditions therefore the regional economic analysis and agricultural analysis used the most current power rates obtained from the Klamath Water and Power Agency (KWAPA). The same power rates were used for both the No Action and Action alternatives because insufficient information is available to reliably forecast future power rates over the 50 year period of analysis under any of the alternatives. Currently, there is no data to indicate that there would be any differential between power rates across the alternatives. This is not meant to imply that future power rates are anticipated to be static, but that any changes would affect all alternatives. It is also the case that changes to power rates might occur regardless of whether any of the alternatives (including the No Action/No Project Alternative) are implemented.</p> <p>It's recognized that for purposes of CEQA, relevant parts of the KBRA analysis are programmatic, as described in Section 15168</p>	

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

Comment Code	Comment Response	Change in EIS/EIR
	<p>of the CEQA Guidelines. This decision was made because many of its component elements have not been specified to a degree where the associated impacts would be reasonably foreseeable for purposes of this environmental analysis. The parties recognize that future project-specific analysis may be required for various components of the KBRA as they become more clearly defined and if an affirmative public approval is identified. A program-level document is appropriate when a project consists of a series of smaller projects or phases that may be implemented separately. Under the programmatic EIR approach, future projects or phases may require additional, project-specific environmental analysis.</p> <p>13. P. 3.15-5 1. The current WUMP grant expires on December 31, 2012, therefore it was not assumed in the No Action/No Project Alternative.</p> <p>14. P. 3.16-60. The third sentence indicates that fishing expenditures would increase under the "Proposed Action relative to the No Action/No Project Alternative."</p> <p>15. P. 3.15-71. The hydrology analysis modeled the results with the implementation of the KBRA including water supply reliability. The hydrology data are key inputs in the economics analysis. The hydrology model estimated the drought frequency. The assumptions used in the hydrology analysis are discussed in detail in "Hydrology, Hydraulics and Sediment Transport Studies for the Secretary's Determination on Klamath River Dam Removal and Basin Restoration," Technical Report No. SRH-2011-02. Prepared for Mid-Pacific Region, Bureau of Reclamation, Technical Service Center, Denver, CO. This report can be found on <a href="http://www.klamathrestoration.gov">www.klamathrestoration.gov</a>.</p> <p>16. P. 3. 15-72. The agricultural model estimates irrigators would be pumping more water on average under the Proposed Action based on the availability of surface water. The model estimates that the relatively small 5-10 percent reductions in surface water availability which occur with more frequency under the Proposed Action would be made up by pumping ground water, and as such a little more ground water is pumped each under the action alternative. Under the No Action/No Project Alternative there are fewer years of pumping, but the years in which there is, pumping is relatively large. These assumptions are described in more detail in <a href="http://www.klamathrestoration.gov">Irrigated Agriculture Economics Technical Report For the Secretarial Determination on Whether to Remove Four Dams on the Klamath River in California and Oregon</a> which can be found on <a href="http://www.klamathrestoration.gov">www.klamathrestoration.gov</a>. Section 3.7, Ground Water states that implementation of the On-Project Plan and Water Diversion Limitations program has the potential to generate localized short-</p>	

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

---

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
---------------------	-------------------------	------------------------------

term adverse effects on ground water through the increased use of ground water to replace surface water deliveries. This is consistent with assumptions in Section 3.15.

17. P. 3.15-72. The No Action/No Project Alternative assumes the continuation of existing conditions therefore the regional economic analysis and agricultural analysis used the most current power rates obtained from KWAPA. The same power rates were used for both the No Action/No Project and action alternatives because insufficient information is available to reliably forecast future power rates over the 50 year period of analysis under any of the alternatives. Currently, there is no data to indicate that there would be any differential between power rates across the alternatives. This is not meant to imply that future power rates are anticipated to be static, but that any changes would affect all alternatives. It is also the case that changes to power rates might occur regardless of whether any of the alternatives (including the No Action/No Project Alternative) are implemented.

Also, for purposes of CEQA, relevant parts of the KBRA analysis are programmatic, as described in Section 15168 of the CEQA Guidelines. This decision was made because many of its component elements have not been specified to a degree where the associated impacts would be reasonably foreseeable for purposes of this environmental analysis. The parties recognize that future project-specific analysis may be required for various components of the KBRA as they become more clearly defined and if an affirmative public approval is identified. A program-level document is appropriate when a project consists of a series of smaller projects or phases that may be implemented separately. Under the programmatic approach, future projects or phases may require additional, project-specific environmental analysis.

18. P. 3.15 -73. Table 3.15-57 shows the regional economic effects as result of increased pumping costs. Because farmers are paying more for electricity to pump ground water under the Proposed Action household income would reduce by the additional money spent to pump ground water. The reduced household income related to the increased pumping costs would result in less spending within the region. This reduced spending has small negative impact on the regional economy which is reflected in Table 3.15.57.

This analysis used the best information available at the time of the analysis. It's recognized that for purposes of CEQA, relevant parts of the KBRA analysis are programmatic, as described in Section 15168 of the CEQA Guidelines. This decision was made because many of its component elements have not been specified to a

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

Comment Code	Comment Response	Change in EIS/EIR
	<p>degree where the associated impacts would be reasonably foreseeable for purposes of this environmental analysis. The parties recognize that future project-specific analysis may be required for various components of the KBRA as they become more clearly defined and if an affirmative public approval is identified. A program-level document is appropriate when a project consists of a series of smaller projects or phases that may be implemented separately. Under the programmatic EIR approach, future projects or phases may require additional, project-specific environmental analysis.</p>	
	<p>19. P. 3. 15-73. This analysis used the best information available at the time of the analysis. For the purpose of this analysis a 30k permanent water sale was modeled to analyze the Water Use Retirement Program (WURP), recognizing this might overstate the estimates. It's recognized that for purposes of CEQA, relevant parts of the KBRA analysis are programmatic, as described in Section 15168 of the CEQA Guidelines. This decision was made because many of its component elements have not been specified to a degree where the associated impacts would be reasonably foreseeable for purposes of this environmental analysis. The parties recognize that future project-specific analysis may be required for various components of the KBRA as they become more clearly defined and if an affirmative public approval is identified. A program-level document is appropriate when a project consists of a series of smaller projects or phases that may be implemented separately. Under the programmatic approach, future projects or phases may require additional, project-specific environmental analysis.</p>	
	<p>The issue of water supply reliability or stabilizing effects under KBRA are factored into the hydrology analyses. The hydrology analysis modeled the results with the implementation of the KBRA including water supply reliability. The hydrology inputs are key input in the economics analysis. The hydrology analysis is discussed in detail in "Hydrology, Hydraulics and Sediment Transport Studies for the Secretary's Determination on Klamath River Dam Removal and Basin Restoration," Technical Report No. SRH-2011-02. Prepared for Mid-Pacific Region, US Bureau of</p>	
	<p>Reclamation, Technical Service Center, Denver, CO. This report can be found on <a href="http://www.klamathrestoration.gov">www.klamathrestoration.gov</a>.</p>	
	<p>20. The Minnesota IMPLAN Group creates the datasets which represent the local economy specified in the specific analysis. This analysis used county level data supplied by the Minnesota IMPLAN group. The county level data was combined into various analysis regions based on the resource. The purpose of analysis</p>	

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
	is to show a comparison of each alternative relative to No Action/No Project Alternative was to alternatives relative to the No Action/No Project Alternative. The goal of this analysis is not to predict or forecast the regional economic employment, labor income, or output. The datasets were used for both the No Action/No Project and action alternatives. It's common and appropriate to use the county level data supplied by the Minnesota IMPLAN group without adjusting the datasets.	
AO_LT_1229_053-9	Change has been made to p. ES-7 of the Draft EIS/EIR.	Yes
AO_LT_1229_053-10	Change has been made to Figures ES-2 and 1-2.	Yes
AO_LT_1229_053-11	Change has been made to Figures ES-2 and 1-2.	Yes
AO_LT_1229_053-12	When the KBRA and KHSA are referred to together, this terminology is used.	No
AO_LT_1229_053-13	Change made.	Yes
AO_LT_1229_053-14	Change made.	Yes
AO_LT_1229_053-15	Figure for wetland decline changed to 80 percent. This matches figure cited in Klamath Dam Removal Overview Report for the Secretarial Determination. Citation for this number is: (Atkins 1970, Natural Resources Conservation Service 2007 as referenced in Larson and Brush 2010). Given this amount of 80 percent decline, the statement of "• Draining tens of thousands of acres of wetlands around Upper Klamath Lake..." is correct.	Yes
AO_LT_1229_053-16	Change has been made to description on p. 1-29 of the Draft EIS/EIR.	Yes
AO_LT_1229_053-17	Water assurances are included in Table 1-1 in row 20: "Commitments among Project Irrigators, Party Tribes, and U.S. Related to Water Use/Rights". Regulatory Assurances from Non-Regulatory Parties was added to the table.	Yes
AO_LT_1229_053-18	Certain contractual commitments in the KBRA extend beyond 50 years or are perpetual. (See, for example, KBRA §§ 15.3. I 0, 15. I .2.K.).	Yes
AO_LT_1229_053-19	Deleted from Table, and Executive Summary Table.	Yes
AO_LT_1229_053-20	Changed Bullet 1 to: Monitor ground water use to ensure that specified springs or the river are not adversely affected. KBRA Sec. 15.2.4. E.ii, p. 76 citation added.	Yes

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_LT_1229_053-21	A change was not made to the text. See 10,000 acre feet (AF) reference in KBRA Section 15.1.1.	No
AO_LT_1229_053-22	This bullet has been left unchanged; the outcomes of this specific plan are not analyzed in this EIS/EIR, given uncertainty with the exact structure of its implementation.	No
AO_LT_1229_053-23	Bullets 1 and 3 have been eliminated from the updated Appendix C. These 2 bullets need to be removed. Walking Wetland construction 2013-2021 should remain.	Yes
AO_LT_1229_053-24	The text was changed as suggested by the comment.	Yes
AO_LT_1229_053-25	Deleted the reference to Appendix C-2 which would require authorizing legislation.	Yes
AO_LT_1229_053-26	A change was not made to the text. Each bullet in the bulleted list refers the reader to the appropriate section of the KBRA.	No
AO_LT_1229_053-27	The table refers to the period of funding provided in Appendix C-2. Many items throughout the KBRA discussion may be implemented past the term of funding described in Appendix C-2.	No
AO_LT_1229_053-28	No change needed: KBRA Section 15.3.5.C contains the relevant language. Actions under 15.3.5 are prerequisite to the filing of Appendix E-1.	No
AO_LT_1229_053-29	Recognizing that implementation of many elements of the KBRA is unknown and not reasonably foreseeable at this time, the connected action analysis is being undertaken at a programmatic level. The KBRA analysis in the EIS/EIR is programmatic, as described in Section 15168 of the CEQA Guidelines. A program-level document is appropriate when a project consists of a series of smaller projects or phases that may be implemented separately. At a programmatic level of analysis, increasing flows in the Upper Klamath Basin would be likely to decrease the potential solar heating of stream flows during critical summer months (Section 3.2.4.3.2.10 - Water Diversion Limitations). Under the programmatic EIR approach, future projects or phases may require additional, project-specific environmental analysis including an evaluation of compliance with Federal laws such as the Clean Water Act and the Endangered Species Act. Consequently, appropriate NEPA compliance will be completed for the separate KBRA components in the future.	No
AO_LT_1229_053-30	Master Response AQU-18 Fate of Iron Gate Hatchery under Alternatives.	No

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AP_LT_1229_053-31	The Lead Agencies recognize that agricultural lands can provide habitat value to certain wildlife species. The analysis presented in Section 3.5 does, as the comment author notes, recognize that croplands surrounding the National Wildlife Refuge (NWR) lands provide foraging habitat for waterfowl. The section however focuses on lands within the area of analysis where changes to habitat quality either negative or positive would be expected as a result of the alternatives. The document was not written with the intent to perpetuate any specific stereotype.	No
AP_LT_1229_053-32	As noted in Section 3.5 and the referenced <i>Effects of the Klamath Basin Restoration Agreement (KBRA) on Lower Klamath, Tule Lake, and Upper Klamath National Wildlife Refuges (NWR)</i> (United States Fish and Wildlife Service [USFWS] 2011) under provisions of the KBRA, 20 percent of the net lease revenues would be available to the refuge for habitat enhancement.	No
AO_LT_1229_053-33	The paragraph has been revised to clarify changes to operations at Sumps I(A) and I(B).	Yes
AO_LT_1229_053-34	Sentence has been deleted.	Yes
AO_LT_1229_053-35	Text changed from 1905 to 1953.	Yes
AO_LT_1229_053-36	The Lead Agencies considered changes in water deliveries associated with the water diversion limitations, and found them to be less than significant based on the significance criteria listed in the Draft EIS/EIR. The subject sentence, however, is vague and has been deleted in the Final EIS/EIR to avoid confusion.	Yes
AO_LT_1229_053-37	Text has been clarified to indicate that the WURP would decrease water deliveries, but it would be a voluntary program and would only affect deliveries to those who voluntarily participate in the program.	Yes
AO_LT_1229_053-38	Clarifying text has been added to the discussion, though impacts and the overall analysis has not changed.	Yes
AO_LT_1229_053-39	As described in Section 3.15 of the Draft EIS/EIR, changes in the Bureau of Reclamation's (Reclamation) Klamath Project hydrology from changes in operations under the KBRA would increase water supplies during drought years. This would provide water supply reliability and would not result in disproportionate effects to farm workers, as concluded in Section 3.16.  The agricultural economic effects of the KBRA programs are described in more detail in Irrigated Agriculture Economics Technical Report For the Secretarial Determination on Whether to	No

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
	Remove Four Dams on the Klamath River in California and Oregon which can be found on <a href="http://www.klamathrestoration.gov">www.klamathrestoration.gov</a> .	
AO_LT_1229_053-40	<p>The discussion on p. 3.19.25 of the Draft EIS/EIR acknowledges that the provision of future additional wetland habitat is dependent on the final outcome of project design.</p> <p>Additionally, the analysis under the Water Diversion Limitations, On-Project Plan, WURP, and Interim Flow and Lake Level Program describes that changes in land use could occur. Additional detail has been added to Section 3.19 to address the potential other changes to scenic quality as a result of land following. The analysis of KBRA programs in this EIS/EIR is programmatic and further environmental analysis would be necessary as design and implementation of KBRA programs proceeds.</p>	Yes
AO_LT_1229_053-41	The Draft EIS/EIR does not state or imply this about the Bureau of Reclamation's (Reclamation) Klamath Project in the discussion on p. 4-87. The section states that Water Diversion Limitations would establish limits on specific diversions within Reclamation's Klamath Project to protect flows in the mainstem and ensure that adequate water supply is available for allocation to the wildlife refuges. This reliable source of cool inflow provides benefit to aquatic species by influencing temperature, dissolved oxygen, algal growth, and the dilution of contaminants or natural toxins, such as those produced by <i>M. aeruginosa</i> .	No
AO_LT_1229_053-42	Sections 3.7 and 4.4 note that there is not enough ground water data to determine if there have been past cumulative ground water effects. The sections do however note that implementation of the Water Diversion Limitation Program and the On-Project Plan have the potential to generate significant shorter localized impacts. Section 4.4.6.1 however goes on to note that the Proposed Actions incremental contribution would be minimized through monitoring of pumping at existing wells, the monitoring of ground water levels in the pumped aquifer, and the monitoring of springs affected by drops in ground water levels. As noted in Section 4.4.6.1 the Proposed Action's effects on ground water would not be cumulatively considerable.	No
AO_LT_1229_053-43	Section 3.15 discusses economic effects of the KBRA on agriculture. Table 3.15-55 shows changes in gross farm revenue under the No Action/No Project Alternative and the Proposed Action in modeled drought years. The methods and assumptions are described in more detail in Irrigated Agriculture Economics Technical Report For the Secretarial Determination on Whether to	No

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

---

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
	Remove Four Dams on the Klamath River in California and Oregon which can be found on <a href="http://www.klamathrestoration.gov">www.klamathrestoration.gov</a> .	
AO_LT_1229_053-44	Section 3.15 discusses economic effects of the KBRA on agriculture. The methods and assumptions are described in more detail in Irrigated Agriculture Economics Technical Report For the Secretarial Determination on Whether to Remove Four Dams on the Klamath River in California and Oregon which can be found on <a href="http://www.klamathrestoration.gov">www.klamathrestoration.gov</a> .	Yes
	Section 3.16, Environmental Justice, concludes there would not be environmental justice effects to farm workers.	
AO_LT_1229_053-45	Many of the elements of the KBRA are still subject to the future development of plans and implementation strategies. Recognizing that implementation of many elements of the KBRA is unknown at this time, the connected action analysis is being undertaken at a programmatic level. The KBRA analysis in this EIS/EIR is programmatic, as described in Section 15168 of the CEQA Guidelines. As such the analysis in the EIS/EIR assumed that any KBRA program with the potential to enact ground disturbing activities could adversely affect previous unknown cultural and historic resources.  A program-level document is appropriate when a project consists of a series of smaller projects or phases that may be implemented separately. Under the programmatic EIR approach, future projects or phases may require additional, project-specific environmental analysis including an evaluation of compliance with Federal laws such as the CWA and the ESA. Consequently, appropriate NEPA compliance will be completed for the separate KBRA components in the future. Therefore, it is anticipated additional NEPA and CEQA analyses for the suite of actions contained in KBRA will be tiered as appropriate to this EIS/EIR.	No
AO_LT_1229_053-46	Please see Section 3.15, which discusses the effects of increased ground water pumping costs on the regional economy. The agricultural economic effects of the KBRA programs are described in more detail in Irrigated Agriculture Economics Technical Report For the Secretarial Determination on Whether to Remove Four Dams on the Klamath River in California and Oregon which can be found on <a href="http://www.klamathrestoration.gov">www.klamathrestoration.gov</a> .	No
AO_LT_1229_053-47	Section 3.15 describes potential effects of the Off-Project Reliance Program. Water leasing may have negative effects in water short years, but effects would be offset by compensation for the sales and household spending. The agricultural economic effects of the	No

**Comment Author** Addington, Greg  
**Agency/Assoc.** Klamath Water Users Assoc.  
**Submittal Date** December 29, 2012

Comment Code	Comment Response	Change in EIS/EIR
AO_LT_1229_053-48	<p>KBRA programs are described in more detail in Irrigated Agriculture Economics Technical Report For the Secretarial Determination on Whether to Remove Four Dams on the Klamath River in California and Oregon which can be found on <a href="http://www.klamathrestoration.gov">www.klamathrestoration.gov</a>.</p> <p>As described in Section 3.15 of the EIS/EIR, changes in the Bureau of Reclamation's (Reclamation) Klamath Project hydrology from changes in operations under the KBRA would increase water supplies during drought years. This would provide water supply reliability and would not result in disproportionate effects to farm workers, as concluded in Section 3.16.</p> <p>The agricultural economic effects of the KBRA programs are described in more detail in Irrigated Agriculture Economics Technical Report For the Secretarial Determination on Whether to Remove Four Dams on the Klamath River in California and Oregon which can be found on <a href="http://www.klamathrestoration.gov">www.klamathrestoration.gov</a>.</p>	No

-----  
From: mcbair@sisqtel.net[SMTP:MCBAIR@SISQTEL.NET]  
Sent: Tuesday, November 08, 2011 12:32:31 PM  
To: BOR-SHA-KFO-Klamathsd; werner@wrinkledog.com  
Subject: Web Inquiry: Klamath Dam Removas Auto forwarded by a Rule

Name: Mark Baird  
Organization: Siskiyou Water Users Association

Subject: Klamath Dam Removas

Comment 1 - Fish

Body: The removal of the Hydro Electric Dams on the Klamath River is the environmental hoax of the century. The expert panel has stated that this will do little or nothing to restore Coho Salmon.

Comment 2 - KHSA

80 percent of the people in Siskiyou County where three of the dams are located voted to reject these agreements. Article 4 section 4 of the Consitution of the United States, guarantees the people a republican form of government. The KBRA/KHSA were agreements concludud in secret without public participation. They will give a self appointed body unlimited power with a 50 year contract. This is a clear violation of Constitutional law.

Comment 3 - Fish

Further the so called scientists have consistantly refused to look at ocean conditions with regard to the salmon. This is a violation of NEPA, CEQA and the Data Quality act.

Comment 4 - CEQA

The California department of Fish and Game is not the correct lead agency in a dam removal and is a jurisdictional violation of agency policy as well as a violation of the charter of that agency.

Comment 5 - Other/General

The Secretary of the Interior has a forgone conclusion to remove these dams over and above the objections of the vast majority of the people. The violation of USC title 42 Section 1983 makes every public official and peace officer involved in the dam removal civilly liable as well as criminally liable. The people of Siskiyou County intend to hold all of you responsible for damages when this "experiment" goes wrong as it most certainly will. The government of the United States and the Governments of California and Oregon have no statutory authority to Bio- Engineer an entire watershed to suit the needs of a few special interest. Dennis Lynch, and Mark Stopher both have admitted in a public forum that this not a restoration project but an environmental experiment that "we just have to try it to see what happens". That is neither legal nor is it ethical. Mr. Salazar and his bureaucrats are and will be held civilly and criminally liable for this pork project. Make no mistake, the Consitution of the United States is the law of the land and not the KBRA/KHSA. The people of Siskiyou County are not bound by any secret agreement with a socialist council appointed by themselves to oversee our property or our liberty to use that property. We will not submit.

**Comment Author** Baird, Mark  
**Agency/Assoc.** Siskiyou County Water Users Assoc.  
**Submittal Date** November 8, 2011

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_WI_1108_027-1	<p>Master Response AQU-5 Will Benefit all Salmonids.</p> <p>Master Response AQU-6B Expert Panel Coho, Steelhead and Chinook.</p> <p>Master Response AQU-7 Expert Panel Uncertainty and Likelihood of Success.</p>	Yes
AO_WI_1108_027-2	<p>Master Response GEN-16 Public Involvement.</p> <p>Master Response KHSA-1 Negotiations of KHSA and KBRA.</p> <p>Master Response GEN-20 PacifiCorp Private Ownership of Hydroelectric Facilities.</p> <p>The negotiations are now over and the KBRA and KHSA are being evaluated through the NEPA and CEQA process. Both laws require meaningful public participation and disclosure of possible impacts of a range of alternatives before the federal and state governments can implement those actions described in the KBRA and KHSA.</p>	No
AO_WI_1108_027-3	<p>Master Response AQU-13 Ocean Conditions.</p> <p>Master Response AQU-24 Chinook Climate Change and Marine Survival.</p> <p>Master Response ACU-22 Expert Panel Considered in Entirety.</p>	No
AO_WI_1108_027-4	<p>A response to this comment is not required under CEQA or NEPA because the comment does not raise a significant environmental issue (CEQA Guidelines Section 15088; NEPA Regulations 40 CFR 1503.4). However, the California Department of Fish and Game (CDFG) as Lead Agency complied with the criteria for identifying a Lead Agency as required under CEQA (CEQA Guidelines Section 15051).</p> <p>Although the comment is somewhat unclear, the comment author seems to assert that by signing the KHSA and the KBRA, the Lead Agencies did not comply with CEQA and NEPA. Under CEQA, a public agency must prepare an EIR on any project the agency proposes to "carry out or approve" if that project may have significant environmental effects (Pub. Resources Code Section 21100, subd. (a), 21151, subd. (a).) CEQA applies only to discretionary government activities that qualify as "projects." "Projects" are defined by CEQA to mean the whole of the action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect</p>	No

**Comment Author** Baird, Mark  
**Agency/Assoc.** Siskiyou County Water Users Assoc.  
**Submittal Date** November 8, 2011

---

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_WI_1108_027-5	physical change in the environment (CEQA Guidelines Section 15378). The signing of the KHSA and KBRA documents themselves did not have significant environmental effects. In addition, the KHSA contemplated that environmental compliance would be completed by the Lead Agencies (KHSA, Section 3.2.5.) Master Response RE-4 Takings	No

AO\_MC\_1026\_014

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

MS. BECK: My name is Diane Beck, D-i-a-n-e

B-e-c-k.

Comment 1 - Approves of Dam Removal

I would like to express some concerns of the Redwood Chapter Sierra Club, of which I am conservation chair. While the Sierra Club has not taken a formal production on the Klamath Settlement Agreement, I can say with no fear of contradiction that first and foremost our local, state, and national members want to see the removal of the four destructive Klamath dams and the restoration of salmonid fisheries.

Comment 2 -

The Redwood Chapter has concerns with the February 2010 Settlement Agreement, the KHSA/KBRA. The KHSA provides a projected path to dam removal in 2020, but its linkage with the KBRA, the Upper Basin water management agreement, both is unnecessary to dam removal and may doom both dam removal and salmonid restoration.

There is no necessary nexus between the removal of the four dams and water management in the Upper Basin.

PacifiCorp, the owner of the hydroelectric facilities, has little reason to get involved with the KBRA. The

Comment 3 - KBRA

Redwood Chapter is deeply concerned with the KBRA. Salmonid restoration depends not merely on enough water

but good quality water.

As it is now, the quality of the water returning to the Klamath kills hundreds of sucker fish every year, and there is a virtual dead zone in the Straits Drain and Keno Reservoir in August and September from agricultural runoff in the Upper Basin from Tule Lake and Lower Klamath Lake, both of which, of course, are greatly diminished national wildlife refuges. Dam removal will remove the significant buildup of algae behind the dams, but the impacts from pollution from ag, ag return water, are significant.

Water for irrigating has primary priority under the Agreement, not fish, not wildlife refuges. In spite of the fact that some 17,000 acres of Tule Lake Wildlife Refuge are diked and farmed, there is not even a willing

Comment 4 - Costs

seller buyout provision in the KBRA.

Comment 5 - Alternatives

The Redwood Chapter wonders how likely it is to expect that this Congress or the next will provide a billion dollars for restoration under the KBRA. We wonder, also, whether it would not be better to work for dam removal under the Federal Energy Regulatory Commission process and for clean water certification under the EPA and the California State and Regional Water Boards.

Thank you.

**Comment Author** Beck, Diane  
**Agency/Assoc.** Redwood Chapter Sierra Club  
**Submittal Date** October 26, 2011

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_MC_1026_014-1	Master Response GEN-2 Some People Support Dam Removal and Others Oppose Dam Removal.	No
AO_MC_1026_014-2	This EIS/EIR considers the KBRA as a connected action (see Section 2.4.3.9). Many of the same parties were involved in the negotiations of both agreements and they saw the benefits of combining activities with improving water quality, water supply, and habitat with dam removal. The Dam Removal Entity (DRE) (an entity designated by the Secretary of the Interior that will be responsible for dam removal activities, if an Affirmative Determination is made) would accept transfer of title from PacifiCorp for the four dams in order to carry out dam removal. PacifiCorp is not a signatory to the KBRA and would not be responsible for implementing activities associated with the KBRA.	No
AO_MC_1026_014-3	<p>Implementation of programs under the KBRA would increase the amount of water in the Klamath River and maintain the elevation of Upper Klamath Lake. Water allocations and delivery obligations would also be established for the Lower Klamath NWR and Tule Lake NWR increasing the certainty of water deliveries. The current allocation to the refuges during drought years is 0.0 acre-feet. Under the KBRA, the NWRs would be guaranteed an allocation that could range from 48,000 acre-feet in normal to wet years down to 24,000 acre-feet in drier years. If the available water does not allow for an allocation of 24,000 acre-feet, then all water users would share in the reductions beyond that point. Similarly, the KBRA provides for a range of water diversions to irrigators depending on whether a particular year is projected to be wetter or drier than normal.</p> <p>As described in Draft EIS/EIR Section 3.2.4.3.2.10 KBRA (p. 3.3-125 to 3.2-132), resource management actions implemented under KBRA as part of the Proposed Action would accelerate long-term improvements in water quality, including those anticipated under the Total Maximum Daily Loads (TMDLs). Trap and haul has been proposed to transport migrating adult fish upstream of the Keno Impoundment when certain adverse water conditions exist. Additional detail on the interaction of the TMDLs and the Alternatives is provided by the Water Quality SubTeam (2011) (also referred to as the Water Quality SubGroup), as cited in Draft EIS/EIR Section 3.3.5, p. 3.3-241. This document, entitled "Assessment of Long Term Water Quality Changes for the Klamath Basin Resulting from KHSR, KBRA, and TMDL and NPS Reduction Programs" can be found at <a href="http://klamathrestoration.gov/keep-me-informed/secretarial-determination/role-of-science/secretarial-determination-studies">http://klamathrestoration.gov/keep-me-informed/secretarial-determination/role-of-science/secretarial-determination-studies</a>.</p>	No

**Comment Author** Beck, Diane  
**Agency/Assoc.** Redwood Chapter Sierra Club  
**Submittal Date** October 26, 2011

Comment Code	Comment Response	Change in EIS/EIR
	<p>Potential effects of the proposed KBRA programs on fish and wildlife are discussed Sections 3.3 and 3.5. The KBRA strives to balance the uses of water for irrigation with the needs of fish and wildlife. In addition, the KBRA does not supersede existing laws or regulations and does not exempt any actions from compliance with ESA or CESA. Project level actions and decisions will continue to be made in compliance with existing laws and regulations.</p> <p>The KBRA includes several programs that would seek willing sellers as a method of increasing inflows into Upper Klamath Lake and available water supplies on the Klamath Reclamation Project including the voluntary WURP and the On-Project Plan. The WURP is a voluntary program intended to increase the inflow to Upper Klamath Lake by purchase or retirement of surface water rights for irrigation from willing sellers and other techniques. The On-Project Plan is intended to align water supply and demand for areas within the Klamath Reclamation Project and would include consideration of a variety of techniques such as conservation easements and land acquisitions from willing sellers.</p>	
AO_MC_1026_014-4	Master Response GEN-1 Comment Included as Part of Record.	No
AO_MC_1026_014-5	<p>The Draft EIS/EIR analyzes environmental impacts associated with actions, regardless of who undertakes these actions. Dam removal implemented through the Federal Energy Regulatory Commission (FERC) relicensing process and other regulatory processes would essentially remove the dams without implementation of the KHSR. These actions are the same as Alternative 8 - Full Facilities Removal of Four Dams without KBRA, which is analyzed in the Draft EIS/EIR in Appendix A, P. 4-8. Master Response ALT-4 Elimination of Alternative 8 - Dam Removal Without KBRA from Detailed Study, describes why Alternative 8 was not carried forward for more detailed analysis in the Draft EIS/EIR.</p> <p>The comment implies that the FERC relicensing process would result in dam removal, but that is not a clear result of the relicensing process. FERC's policy is to balance power generation and environmental interests through conditions to a hydropower license. If the licensee suggests conditions that are not sufficiently protective of the environment, FERC would add additional conditions. Only after this step would FERC deny a license if it feels that the conditions would be inadequate (that the project would result in unacceptable environmental damage that proves to be irremediable) (FERC 1994). To the Lead Agencies' knowledge, they have only once required dam removal for Edwards Dam in Augusta, Maine on the Kennebec River. For Project 2082, FERC has a set of prescriptions and conditions from</p>	No

**Comment Author** Beck, Diane  
**Agency/Assoc.** Redwood Chapter Sierra Club  
**Submittal Date** October 26, 2011

---

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
	the resource agencies; therefore, based on FERC's policies, it seems unlikely that it would order dam removal.	

# Siskiyou County Water Users Association, Inc.

347 N. Main Street Yreka, CA 96097  
(530)842-4400 fax(530)842-4481  
bergeron@inreach.com

November 24, 2011

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

Gordon Leppig  
California Department of Fish & Game  
619 Second Street  
Eureka, CA 95501

Dear Ms. Vasquez and Mr. Lippig:

The following are comments by the Siskiyou County Water Users Association, Inc.  
Relative to the **Klamath Facilities Removal Public Draft**

1. The Environmental Impact Report/Environmental Impact Statement (EIR/EIS) fails to follow the law as required by the **National Environmental Policy Act of 1969** as amended by (Pub. L. 91-190, 42 U.S.C. 4321-4347 January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, sec. 4(b), Sept. 13, 1982).

2. Section 101 (42 USC 4331) states:

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and **coordinate** federal plans, functions, programs, and resources to the end that the Nation may---

1. fulfill the responsibilities of each generation as trustee of the environment to succeeding generations;
2. assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
3. attain the widest range of beneficial uses of the environment without degradation, risk to health and safety, or other undesirable and unintended consequences;
4. preserve important historic, cultural, and natural aspects of our national

BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED		
NOV 18 2011		
DATE	ACTION	BY
11/18	KL	11/18

Classification	ENV-600
Project	12
Control No.	110803191
Folder ID	1170978-2
Date Input & Initials	11/18/2011 JS

heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choices;

5. achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;  
and
6. enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Supporting NEPA regulations is the California Environmental Quality Act. (CEQA) CEQA sections 21002.1, 21081 specifically spells out the action must also benefit humans and not solely fish.

← Comment 1 - KHSA

Page ES-17 states the EIR/EIS are in compliance, "This EIR/EIS is being prepared in compliance with NEPA and CEQA." This Statement \ is intentionally misleading since these actions were reached in secret meetings, with a pre-determined out-come as expressed by the Secretary of the Interior in his speech to the Commonwealth Club in San Francisco, California.

Comment 2 - Alternatives

Alternatives 10 and 11 on pages 4-10 and 4-11 clearly lays out that the requirements do not comply with the KBRA and KHSA, however, under NEPA they should have been considered as viable options. Each alternative should be considered on their own merits as required by NEPA and CEQA,

In section ES.7.3 Environmentally Preferable/Superior Alternative. Alternative 11 was identified as the "environmentally preferable alternative that would result in the fewest adverse effects to the biological and physical environment." Consideration of this alternative should be re-considered under NEPA rules and not as per the KBRA/KHSA.

In the Department of the Interior, Bureau of Land Management publication, **Historical Landscape Overview of the Upper Klamath River Canyon of Oregon and California, Cultural Resource Series No. 13, by Stephen Dow Beckman**, clearly defines that the area of the 4 dams slated for removal as Shasta Aboriginal Territory. (Pages 9-13) The Shasta People were not invited to participate in any of the deliberations relative to the KBRA or KHSA. This Tribe should be considered since many of their village sites, burial grounds, cultural and religious sites are protected by the reservoirs behind the 4 dams slated for removal. Even though the Tribe is not recognized by the US Government, their Treaty R, signed on November 4, 1851 was never ratified by the US Senate. (Office of Indian Affairs, In Executive Session, Senate of the United States, January 19, 1905). The Shasta People should be treated equally as the other tribes have been in the case of dam removal. (See attached map showing Shasta Nation Aboriginal Land Boundary.)

← Comment 3 - Cultural Resources

At a time when we are searching for reasonable alternatives to fossil fuels, the algae at Copco Lake, through chemical reaction, can be converted to bio-fuel. By setting up an

← Comment 4 - Alternatives

Comment 4 cont.

aquatic weeds to fuel investigation, Copco would take the lead in pursuing economic value out of a semi-worthless material. Algae blooms rapidly and has rapid growth under the proper conditions when nutrients are available.

These dams hold back silt layers that have accumulated for almost 100 years. Copco 1 has had copper compounds added to the reservoir for the past 10 years to poison the algae. As copper is an aquatic toxin, the release of copper sediments would have a chilling effect to the down stream aquatic community. If there is a plan to recover this material and reformulate it as a soil additive, an organic fertilizer to enhance topsoil, then the dam removal might be workable because copper sequestered into a solid is not toxic to terrestrial life. However, dam removal is not necessary to remove the sediment, alternative methods, such as suction dredging could be employed.

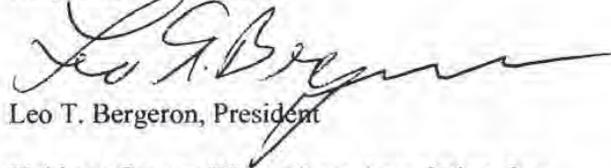
Comment 5 - Sediment Toxicity

Should dam removal happen, the flow of sediment which is nutrient laden, and toxic to aquatic life, it would bury redds and saturate refugia sites doing irreparable damage to the fish species that people are trying to save.

Better than removing dams, implementing Alternative 11 would be a better buy for the fish, the public, the river and the 70,000 rate-payers. Cost is minimal as compared to dam removal.

Comment 6 - Alternatives

Respectfully submitted,



Leo T. Bergeron, President

Siskiyou County Water Users Association, Inc.

**Comment Author** Bergeron, Leo  
**Agency/Assoc.** Siskiyou County Water Users Assoc.  
**Submittal Date** November 18, 2011

---

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_LT_1118_034-1	<p>Master Response GEN-7 Unsubstantiated Information.</p> <p>Master Response GEN-16 Public Involvement.</p> <p>Master Response KHSA-1 Negotiations of KHSA and KBRA.</p>	No
AO_LT_1118_034-2	<p>Both NEPA and CEQA include provisions that the draft environmental review analyze a reasonable range of alternatives that meet most of the purpose and need/project objections, and are potentially feasible (40 CFR § 1502.14; 43 CFR § 46.420(b); Pub. Resources Code, sec. 21002; CEQA Guidelines, sec. 15126.6(a), (c), (f).). Alternatives 10 and 11 were screened out because they do not meet any of the NEPA purpose and need/CEQA project objectives. Additionally, Section ES.7.3 does not identify Alternative 11 as the Environmentally Preferable/Superior Alternative.</p> <p>Master Response ALT-2 Elimination of Alternative 10 - Fish Bypass: Bogus Creek Bypass Alternative and Alternative 11 - Fish Bypass: Alternative Tunnel Routing from Detailed Study.</p>	No
AO_LT_1118_034-3	<p>Master Response CUL-1 Shasta Nation Participation.</p> <p>Master Response CUL-2 Federal Recognition.</p>	No
AO_LT_1118_034-4	<p>Appendix A of the Draft EIS/EIR includes a wide range of alternatives representing diverse viewpoints and needs based on internal and public scoping. The alternatives that moved forward for more detailed analysis in this EIS/EIR are those that best meet the NEPA purpose and need and CEQA objectives, minimize negative effects, are feasible, and represent a range of reasonable alternatives (see Appendix A for more information). The NEPA purpose and need and CEQA objectives are broader than addressing algae concerns in Copco Lake (see Section 1.4.2 on page 1-29 of the Draft EIS/EIR). Converting algae to fuel would not be able to accomplish the purpose and need/objectives. These alternatives would not restore a free-flowing river, achieve full volitional fish passage, establish reliable water and power supplies, contribute to public welfare and sustainability of communities, or be consistent with the goals and objectives of the KHSA and KBRA.</p>	No
AO_LT_1118_034-5	<p>Master Response WQ-1 Sediment Deposits Behind the Dams and Potential Contaminants.</p> <p>Additionally, PacifiCorp confirmed that they have never applied any algaecide to Copco 1 Reservoir (L. Prendergast, PacifiCorp,</p>	No

**Comment Author** Bergeron, Leo  
**Agency/Assoc.** Siskiyou County Water Users Assoc.  
**Submittal Date** November 18, 2011

---

Comment Code	Comment Response	Change in EIS/EIR
	<p>written communication, January 19, 2012). They did conduct laboratory bench tests on algaecide applications using water from Copco 1 Reservoir. Results of this study are available for download at the following link: <a href="http://www.pacificorp.com/content/dam/pacificorp/doc/Energy_Sources/Hydro/Hydro_Licensing/Klamath_River/2008AlgaecidePilotStudy.pdf">http://www.pacificorp.com/content/dam/pacificorp/doc/Energy_Sources/Hydro/Hydro_Licensing/Klamath_River/2008AlgaecidePilotStudy.pdf</a> The KHSA Implementation Report June 2011, page 21, indicates that algaecide testing is one of the proposed Interim Measure 11 improvements. <a href="http://www.pacificorp.com/content/dam/pacificorp/doc/Energy_Sources/Hydro/Hydro_Licensing/Klamath_River/2011_KHSA_Implementation_Report_June_2011.pdf">http://www.pacificorp.com/content/dam/pacificorp/doc/Energy_Sources/Hydro/Hydro_Licensing/Klamath_River/2011_KHSA_Implementation_Report_June_2011.pdf</a>.</p> <p>Further, copper was analyzed in all of the Secretarial Determination sediment investigations. The copper levels found in sediment, fish tissues, and studies for elutriate and bioaccumulation, from J.C. Boyle, Copco 1, and Iron Gate reservoirs were below values that would indicate an unacceptable level of concern for effects on human health or aquatic biota either in the reservoirs under current conditions (including Copco 1) or in downstream reaches of the Klamath River under the Proposed Action (pages 3.2-71 to 3.2.76 for Alternative 1, pages 3.2-118 to 3.2.125 for Alternative 2, pages 3.2-132 to 3.2.134 for Alternative 3, pages 3.2-135 to 3.2.136 for Alternative 4, and pages 3.2-146 to 3.2.147 for Alternative 5). Based on the results of these evaluations, copper recovery from the sediments would not be necessary.</p> <p>With respect to sediment effects on fish, see the following master responses:</p> <p>Master Response AQU-1 Sediment Amounts and Effects on Fish.</p> <p>Master Response AQU-20 Bedload Sediment and Fish Habitat.</p> <p>Master Response AQU-2 Sediment Dredging.</p> <p>With respect to the short-term “flow of sediment which is nutrient laden” mentioned in the comment, Draft EIS/EIR Section 3.2.4.3.2.3 (page 3.2-100) addresses the potential short-term (&lt;2 years following dam removal) increases in sediment associated nutrients from sediment release under the Proposed Action. The analysis states that short-term increases in total nitrogen (TN) and total phosphorus (TP) concentrations in the Hydroelectric Reach would occur because particulate (primarily organic) nutrients contained in reservoir sediment deposits would be transported along with the sediments themselves. However, minimal deposition of fine suspended sediments, including associated nutrients, would occur in the river channel. Further, reservoir</p>	

**Comment Author** Bergeron, Leo  
**Agency/Assoc.** Siskiyou County Water Users Assoc.  
**Submittal Date** November 18, 2011

Comment Code	Comment Response	Change in EIS/EIR
AO_LT_1118_034-6	<p>drawdown under the Proposed Action would occur during winter months when rates of primary productivity and microbially mediated nutrient cycling (e.g., nitrification, denitrification) are also expected to be low. Light limitation for primary producers that do persist during winter months is also likely to occur, further decreasing the potential for uptake of TN and TP released along with reservoir sediment deposits. Therefore, particulate nutrients released along with sediment deposits are not expected to be bioavailable and should be well-conserved during transport through the Hydroelectric Reach. Under the Proposed Action, the short-term (&lt;2 years following dam removal) increase in nutrients in the Hydroelectric Reach would be a less-than-significant impact. The analysis for the lower Klamath River is based on the same rationale and the effect determination is presented on page 3.2-101.</p> <p>Master Response ALT-2 Elimination of Alternative 10 - Fish Bypass: Bogus Creek Bypass Alternative and Alternative 11 - Fish Bypass: Alternative Tunnel Routing from Detailed Study.</p>	No

AO\_LT\_1222\_048

# Siskiyou County Water Users Association, Inc.

347 N. Main Street Yreka, CA 96097  
(530)842-4400 fax(530)842-4481  
[bergeron@inreach.com](mailto:bergeron@inreach.com)

BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED		
DEC 22 2011		
CODE	ACTION	SURNAME & DATE
150	✓	

December 20, 2011

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

Gordon Leppig California Department of Fish and Game  
619 Second Street  
Eureka, CA 95501

Dear Ms. Vasquez and Mr. Lippig:

Comment 1a - Cultural Resources

The following are additional comments by the Siskiyou County Water Users Association, Inc., relative to the **Klamath Facilities Removal Public Draft**.

Some of the most prominent features in the Klamath Basin and in Siskiyou County carry the **SHASTA** name. Shasta Valley, Shasta Forest, Shasta Fir, Mt. Shasta, Shasta River, Lake Shastina, the City of Mt. Shasta and several communities in the region have at least one street that bears the name, "Shasta." In the aboriginal territory of the Shasta People we have Shasta Lake, Shasta Lake City, Shasta County and the town of Shasta west of Redding. Union Pacific Railroad has identified their properties in the region as the Shasta District.

Therefore, it is quite evident that the name **SHASTA** is synonymous within the Klamath Basin. The Shasta People have been here in the Klamath Basin long before Europeans arrived on this continent.

The Klamath Basin Restoration Agreement does not have one sentence acknowledging the fact that the Shasta People even exist today and the Klamath Hydro Settlement Agreement allows for interloping tribes, Karuk and Klamath, to occupy Shasta aboriginal territory. And yet, the Shasta People have a Treaty with the United States that was signed at the "Camp" at the confluence of Schackelford Creek and the Scott River, in Scott Valley, Siskiyou County, California on November 4, 1851. The Karuk Tribal leaders signed their Treaty Q on October 6, 1851 at Camp Klamath, located at the junction of the Trinity and Klamath Rivers. It is more that evident that neither the Karuk or the Klamath Tribes were ever occupants of the Upper end of the Mid-Klamath watershed, its

Project	25280
Control No.	11098596
Folder ID.	1149679
Date/Initia	12-22-2011

SCANNED

Comment 1 cont.

tributaries and well to the Southeast into Shasta County Then north into Southern Oregon.

There are numerous papers, articles and publications that identifies the Shasta Nation as the early occupiers of this region. In a paper entitled, "Shasta Nation History; Traces of the West", General Halleck, Commanding Officer at the Jefferson Barracks in Missouri, makes note of the poisoning of many Shasta Tribal members at Fort Jones. He was concerned, and wanted to know why those responsible for this act of genocide were never prosecuted. This recorded event clearly identifies these lands as Shasta Nation Aboriginal Territory.

The Shasta People fished and hunted in this region and lived in small communal bands or families. The Shasta People obtained obsidian for hunting from eastern Siskiyou County in the region known as the Medicine Lake Highlands. It recorded, in many accounts that Shastas traded salmon with their up-river neighbors, the Klamath Tribes.

An anadromous fish passageway has been developed and named after the first occupiers of this region, It has been named the Shasta Nation Unassisted Volitional Anadromous Fish Passageway, Alternative 11 in the Klamath Facilities Removal Public Draft. This alternative would allow the salmon around the three lower dams located in California. The fish would pass through a tunnel which would connect the Klamath River to Bogus Creek below IronGate Dam to the River above COPCO 1. This is the most viable and least expensive of ALL alternatives. In Section ES.7.3. of the Klamath Facilities Removal Public Document, the Environmentally Preferable/Superior Alternative, Alternative 11, was identified as the "Environmentally Preferable/Superior Alternative that would result in the fewest adverse effects to the biological and physically environment."

Comment 2 - Alternatives

It is therefore, obvious that the Shasta Nation should be considered as a Native American Treaty Tribe and should be invited to participate in ALL discussions relative to dam removal since many of their ancestral burial grounds, villages, cultural and religious sites are protected by the waters in the reservoirs behind the dams that have been selected to be removed.

Comment 1b - Cultural Resources

Respectfully,

  
Leo T. Bergeron  
President, Siskiyou County Water Users Association, Inc.

**Comment Author** Bergeron, Leo  
**Agency/Assoc.** Siskiyou County Water Users Assoc.  
**Submittal Date** December 22, 2011

---

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_LT_1222_048-1	Master Response GEN-1 Comment Included as Part of Record.  Master Response CUL-1 Shasta Nation Participation.  Master Response CUL-2 Federal Recognition.	No
AO_LT_1222_048-2	Master Response ALT-2 Elimination of Alternative 10 - Fish Bypass: Bogus Creek Bypass Alternative and Alternative 11 - Fish Bypass: Alternative Tunnel Routing from Detailed Study.	No

AO\_MC\_1026\_021

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

MS. BEROL: Good evening. My name is

Comment 1 - Approves  
of Dam Removal

Emelia Berol, E-m-e-l-i-a B-e-r-o-l. I have lived in or near the Trinity River watershed for the past 40 years.

I represent the Northcoast Environmental Center on the public advisory group to the Trinity River restoration program, known as TAMWG, Trinity Adaptive Management Working Group. We all support removal of the dams on the Klamath and a restored fishery on the Klamath.

Comment 2 - ITAs

As a representative, however, for the Northcoast Environmental Center, there have been many concerns and questions raised tonight. But because of our longstanding relationship with the Hupa and Yurok people, there is one question that's been raised. And it's a statement that I, personally, and the NEC cannot agree with. And I'm going to read it.

"The United States, acting in its capacity as trustee for the federally recognized tribes of the Klamath Basin, hereby provides assurances that it will not assert tribal water or fishing right theories or tribal trust theories in a manner or, two, tribal water or trust rights, whatever they may be, in a manner that will interfere with the diversion, use, or reuse of water

for the Klamath Reclamation Project that is permitted by  
Appendix E-1 in any administrative context or proceeding  
or judicial proceeding or otherwise."

I would like to request a written response to my  
question, why this is in there. I cannot agree with  
that. I cannot go along with that.

**Comment Author** Berol, Emelia  
**Agency/Assoc.** Northcoast Environmental Center  
**Submittal Date** October 26, 2011

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_MC_1026_021-1	Master Response Gen-2, Some People Support Dam Removal and Others Oppose Dam Removal	No
AO_MC_1026_021-2	<p>The Klamath Agreements were negotiated and designed to resolve longstanding legal disagreements over the use of natural and water resources in the Klamath Basin. This is what occurred in the negotiations over PacifiCorp's Klamath Hydroelectric Project, as well as the related Klamath Basin Restoration Agreement. The Federal government often times has a vested interest in resolving litigation as well. In this case, the Federal government made the calculated decision that the KHSA and KBRA would purport with its responsibility to act in the best interest the public and tribal trust.</p> <p>Master Response TTA-1: Federal Trust Responsibility and the KBRA.</p>	No

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

MR. BITTS: Thank you for coming to Arcata. My name is Dave Bitts, D-a-v-e B-, as in boy, i-t-t-s.

I'm a commercial salmon and crab fisherman based in Eureka, a resident of McKinleyville, and I'm also the president of the Pacific Coast Federation of Fishermen's Associations, of which IFR, which Vivian just described, is our captive 501(c)(3). The PCFFA represents fishermen from the same ports that she just named.

We are signatories to both Agreements. We support Alternative 2. Alternative 3 we could also live with.

Comment 1 - Approves of Dam Removal

These agreements, in combination, offer the clear path forward to the dam removal that almost every speaker here has said they want to see. If we tried another path, you may hear people say that the Water Board can come charging in on a white horse with a lance and accomplish dam removal more quickly. We are not at all confident that there is a white horse in their stable or that they own a lance. And we think the evidence to date kind of supports our lack of confidence.

If that route were to be the way we go, instead of the two-agreement route, we would be starting over from scratch on all fish restoration measures. We might

get dam removal. We don't think so. It's conceivable that it would happen that way. But it would happen absent any fish restoration measures. It would happen absent the roughly 85,000 acre feet of additional water for fish that is in the KBRA. It would happen absent any benefits for the wildlife refuges.

All those things we would have to start over on. The odds are that we would start in a contentious and adversarial process. Right now we have a collaborative process. And I think that distinction cannot be overemphasized.

There's a lot left to be done that the KBRA doesn't do. I hope to live to see collaborative processes, such as the KBRA, deal with issues in the Scott and Shasta Basin and upriver from the dams that I hope to live to see come out. And I hope those processes will happen in ways that leave parties on both ends of the Basin whole.

Thank you.

**Comment Author**           Bitts, Dave  
**Agency/Assoc.**           Pacific Coast Federation of Fishermans Assoc.  
**Submittal Date**           October 26, 2011

---

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_MC_1026_018-1	Master Response Gen-2, Some People Support Dam Removal and Others Oppose Dam Removal	No

## Klamath Settlement



EIS/EIR PROCESS

# Comment Form

AO\_MF\_1020\_009

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:

Comment 7 - Approval Dam Removal

Website:

KlamathRestoration.gov

Fax:

(916) 978-5055

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

(Please print legibly)

SUPPORT ALTERNATIVE 2 OR 3

Name: DAVE BITTS

Organization: PCFFA

Title: PRESIDENT

Address: 2679 SUNNY GROVE, MCKINLEYVILLE 95519

Email: dbitts@suddenlink.net

Website:

KlamathRestoration.gov

Fax:

(916) 978-5055

Comments: COMMERCIAL FISHERMEN WILL BENEFIT  
IN TWO WAYS FROM THE INCREASE IN KLAMATH  
SALMON POPULATIONS DUE TO DAM REMOVAL

AND KISRA-

FIRST, MOST PLAINLY, WE WILL SEE AN INCREASE IN CATCH BECAUSE  
MORE KLAMATH FISH WILL BE AVAILABLE. SINCE KLAMATH FISH ARE  
AROUND 10% OF OUR CATCH, DOUBLING THEIR NUMBERS WOULD  
INCREASE OUR CATCH BY AROUND 10%.

SECOND, LESS OBVIOUS BUT MORE PROFOUND, SINCE OUR  
OPPORTUNITY TO FISH IS GOVERNED BY <sup>AND VARIES WITH</sup> THE ABUNDANCE OF KLAMATH  
FISH, INCREASING THEIR NUMBERS WILL MEAN MORE TIME FISHING  
IN MORE YEARS, TIME WE WILL HAPPILY USE CATCHING MORE  
SACRAMENTO FALL CHINOOK (OVER HALF OUR CATCH), WITH A FEW  
MORE KLAMATH SALMON MIXED IN. IT'S POSSIBLE THAT  
LANDINGS COASTWIDE COULD INCREASE AS MUCH AS 50%  
IF KLAMATH FISH ARE MORE ABUNDANT IN MORE YEARS.

**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** Bitts, Dave  
**Agency/Assoc.** Pacific Coast Federation of Fishermans Assoc.  
**Submittal Date** October 20, 2011

---

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_MF_1020_009-1	Section 3.15 uses modeling to quantify increases in Chinook salmon catch and gross revenues as a result of dam removal. The <i>Commercial Fishing Economics Technical Report For the Secretarial Determination on Whether to Remove Four Dams on the Klamath River in California and Oregon</i> contains more detailed background on the methods: <a href="http://klamathrestoration.gov/sites/klamathrestoration.gov/files/EIS-EIR-Draft/Econ-Reports/CommFishery_9.14.pdf">http://klamathrestoration.gov/sites/klamathrestoration.gov/files/EIS-EIR-Draft/Econ-Reports/CommFishery_9.14.pdf</a>	No

AO\_MC\_1020\_068

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

MR. DAVE BITTS: My name is Dave Bitts, D-a-v-e B-i-t-t-s.

I'm a commercial fisherman, salmon fisherman,

based in Eureka. I'm also president of the Pacific Coast

Federation of Fishermens' Association, representing the

ports whose fishermen fish for salmon all up and down California.

I strongly support dam removal. I don't

Comment 1 - Approves of Dam Removal

believe that salmon are going to survive in the Klamath

Comment 2 - Fish

River unless the dams come out, and I believe that if the

dams do come out, that they will flourish.

Um, commercial fishermen will benefit in two

ways from the increase in Klamath salmon populations

because of dam removal and the KBRA.

First, if there is an increase of Klamath fish

in the ocean, we will catch more of those.

Klamath fish are about ten percent of our

catch, so doubling their numbers would mean our catch

would increase by about ten percent.

But the less obvious and more profound effect

is that our whole fishery is governed by the abundance of

Klamath fish in the ocean and it varies with that

abundance, so that if there are more fish in more years,

we will have more time and opportunity to fish on other  
stocks in the ocean, primarily, Sacramento fall Chinook,  
which are more than half of our catch. So it's very  
likely that if salmon fish are more abundant, our total  
landings coast-wide could increase by as much as 50  
percent, and that would be great. We would love to have  
more time than we currently do to catch fish.

There is no over-fishing of salmon on the  
Pacific Coast. It does not happen, there are no foreign  
vessels fishing in our waters and the domestic fleet is  
very tightly managed to prevent over-fishing, to make sure  
there are enough fish left to spawn. It just doesn't  
happen.

Comment 3 - Real Estate



There is a property value issue that I haven't  
really heard considered here and that is that we have a  
major landowner in the basin that is trying to make a  
business decision about the disposal of its property; that  
landowner is PacifiCorp, and I believe they should be  
allowed to make a business decision about how to best and  
most profitably dispose of their property. That's what  
they are trying to do. We are helping.  
There's a couple of beefs I've heard that I  
think have a lot of merit, and those are, um, the  
potential loss in property values around the lake and the

loss in tax revenues to Siskiyou County. Those issues  
have to be addressed in this process. It would be wrong  
if those issues were not addressed.

I stand to win as a fisherman if this all  
happens; I'll feel a lot better about that if you don't  
lose, in a way, by the same measures that cause me to win,  
and I would hope, as far as the Klamath Basin Restoration

Comment 4 - KBRA

Agreement goes, that's a deal between a bunch of other  
parties, and the Klamath Project irrigators, don't they  
get to make a deal?

Thank you.

**Comment Author**            Bitts, Dave  
**Agency/Assoc.**            Pacific Coast Federation of Fishermans Assoc.  
**Submittal Date**            October 20, 2011

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_MC_1020_068-1	Master Response Gen-2, Some People Support Dam Removal and Others Oppose Dam Removal	No
AO_MC_1020_068-2	Master Response GEN-1 Comment Included as Part of the Record.	No
AO_MC_1020_068-3	Master Response RE-1E Real Estate Evaluation Report.  Master Response Gen-20 PacifiCorp Private Ownership of Hydroelectric Facilities.  Further, the Dam Removal Real Estate Evaluation Report went on to estimate a reduction of about \$2.2 million to the Siskiyou County property tax role.	No
AO_MC_1020_068-4	KBRA was negotiated and signed by a diverse array of over 40 parties with an interest in resolving Klamath Basin issues including the allocation of water between in-river uses and water diversions for irrigation.	No

Comment 1 - Opposed to Dam Removal

AO\_LT\_1018\_025

*Opposed to dam removal*

*Report:*

October 20, 2011

*Liz Bowen born in Siskiyou Co*

**TO THE FEDERAL AGENCIES PROPOSING DAM DESTRUCTION EIS/EIR REGARDING FOUR HYDRO-ELECTRIC DAMS ON THE KLAMATH RIVER. IT IS INVALID BECAUSE THE PARTICIPATING AGENCIES HAVE VIOLATED FEDERAL LAW BY REFUSING TO COORDINATE THE PLAN TO DESTROY THE DAMS WITH LOCAL GOVERNMENTS**

The Department of Interior and all other federal agencies involved with the destruction of Klamath River dams have violated the law by refusing to coordinate the plan for destruction with the local elected officials who represent the citizens of northern California and southern Oregon.

Comment 2 - NEPA

The entire EIS process is invalid because THE LAW REQUIRES THAT THE PROCESS BEGIN WITH COORDINATING THE DEVELOPMENT OF THE EIS WITH LOCAL GOVERNMENTS. The agencies violated the law by not involving local governments, including local sheriffs, in the development from the outset.

The agencies are continuing to violate the laws by not meeting face to face with Supervisors, Sheriffs, Mayors, Councils and other governing boards to resolve the inconsistency between destruction of dams and retention of the energy producing, flood controlling, water saving dams.

The interests of a majority of citizens are being subverted for the political gain of special interest groups who will be paid HUNDREDS OF MILLIONS OF TAX DOLLARS OVER THE NEXT SIXTEEN YEARS FOR RESTORATION OF SALMON PROJECTS. Once again, federal agencies have favored special interests over those of the vast majority of citizens. So, what's new? Well, there is something new---citizens are now empowered to seek protection through their local elected officials.

Such favoritism is exactly why Congress enacted the coordination process----so that citizens could gain protection of their interests through their local government.

There are some who mistakenly believe that the issue of destruction is not subject to the coordination process. Nothing could be further from the truth: there is no exemption for Secretarial approval/disapproval decisions in either FLPMA which governs the Secretary of Interior directly or in NEPA which governs ALL AGENCIES AND REQUIRES "COOPERATION WITH LOCAL GOVERNMENT" TO ACHIEVE COORDINATION OF PLANS AND POLICIES.

**This EIS MUST BE SENT BACK TO THE DRAWING BOARD BECAUSE IT HAS BEEN ISSUED ILLEGALLY AND IS INVALID.**

Sincerely,  
*Liz Bowen*  
Liz Bowen, president  
Scott Valley Protect Our Water  
P.O. Box 1527  
Callahan, CA 96014  
530-467-3515

*The foreign vessels fishing off our coasts are legally there under Treaty still they are foreign and taking a large number of salmon.*

*Dams are not crumbling & well maintained*

*I have photos of over 30 in an hr period*

---

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_LT_1018_025-1	Master Response Gen-2, Some People Support Dam Removal and Others Oppose Dam Removal	No
AO_LT_1018_025-2	Master Response N/CP-2 Coordination.  Master Response GEN-7 Unsubstantiated Information.  Master Response KHSA-1 Negotiations of KHSA and KBRA.  Neither the Bureau of Land Management nor the U.S. Forest Service are involved in activities through this process or Draft EIS/EIR which implicate the Federal Land Management and Policy Act or the National Forest Management Act.	No

AO\_LT\_0202\_072

Scott Valley Protect Our Water  
P.O. Box 1527  
Callahan, CA 96014

February 2, 2012

The Honorable Ken Salazar  
Secretary of the Interior  
U.S. Dept. of Interior  
1849 C Street, N.W.  
Washington, DC 20240

RE: Comments to Overview Report on Klamath Dam Removal Studies

Dear Secretary Salazar:

Scott Valley Protect Our Water echoes the same comments sent to you by the Siskiyou County Board of Supervisors and signed by Chairman Grace Bennett

Comment 1 - Disapproves of Dam Removal

We reiterate: Removing the four hydro-electric dams in the Klamath River will destroy years of salmon runs and the environment. Your report will be foundation for a failure of epic proportions.

Comment 2 - NEPA/CEQA Process

You have failed to engage in a robust NEPA process and have failed to provide robust scientific analysis.

Comment 3 - Sediment Toxicity

This report continues to ignore the actual contents of the four fisheries Expert Panels Report. There is no recognition of the errors in the sediment release calculations will drastically impact fish stocks and juveniles. The sediment from the destruction of the dams will be a hazard to water quality and other not endangered species will be negatively affected.

There is no discussion of the toxic sediment that will remain throughout the Klamath River system. Significant errors in the volume of sediment that will be released from the dam destructions will play a huge role in the future lack of restoration.

Comment 4 - Algae

Your report does not recognize that a type of river algae will increase under the dam removal scenario creating adverse impacts to water quality and fish restoration.

We are also alarmed at the extremely short time period for "public comment" to respond to 333 pages in the report after distribution by U.S. Fish and Wildlife Service on Jan. 23, 2012 by Feb. 5, 2012. This is insufficient and dastardly.

Comment 5 - NEPA/CEQA Process

It is outrageous that there is only two plans: Dams in or the dams out. Fish ladders could easily allow fish access to habitat above the dams – if that is the true reason for removing the dams. The EIS/EIR fails to comply with the legal requirement to identify and analyze the mitigation measures that would be associated with the alternatives.

Comment 6 - Alternatives

The City of Yreka will be adversely affected by dam removal and has not been adequately addressed or analyzed. There will be no funding to safely secure water supply for the 7,500 residents of Yreka.

Comment 7 - Water Supply/Rights

The EIS/EIR fails to comply with the legal requirement to identify and analyze the mitigation measures that would be associated with alternatives to the Proposed Action.

Comment 8 - Envr. Justice

There will be a loss of tax revenue that will affect Siskiyou County and raises significant environmental justice issues as the impacts of lost tax revenue will "disproportionately affect" low income, minority and tribal people. The EIS/EIR fails to examine these effects.

Issues and complaints from the Shasta Nation have been ignored. You cannot remove dams because it will expose and destroy sensitive burial sites.

Comment 9 - Cultural Resources

The EIS/EIR is devoid of any discussion of how the Proposed Action proposes to comply with the applicable Ordinances and Policies of the County of Siskiyou. In many cases, the Proposed Action violates or is inconsistent with the county's ordinances. You must address and comply with local county policies and this has been ignored.

Comment 10 - NEPA/CEQA Process

The EIS/EIR violates the fundamental requirements of NEPA and CEQA to fairly and objectively compare alternatives.

Comment 11 - Alternatives

The parasite lamprey has been protected, but the report fails to mention the lamprey is detrimental to "endangered" salmon. Included are photos of salmon with wounds from sucking lamprey.

Comment 12 - Fish

Flooding: Siskiyou County has files many comments on this issue and none have been addresses. Flooding was the major reason most dams in the West were designed and built. Except for 100 year events, the Klamath dams have provided safety for residents living near the Klamath River. Nature will raise and lower the water flow to the extremes if the dams are not in the river. Extremes will cause economic and environmental havoc. How can you even consider their removal?

Comment 13 - Hydrology

There will be no economic benefits to Siskiyou County and its residents. You have failed to any mitigation that will truly aid landowners and businesses in Siskiyou. Regarding recreational fishing, you speculate there will be an increase of "three more jobs." After the destruction of the agricultural livelihoods in Siskiyou, three jobs in recreational fishing will hardly aid local families. In section 2.9, you admit that "four jobs" will be lost in reservoir recreation with dam removal.

Siskiyou County is not a signer of the KBRA and is not a stakeholder. The Overview Report falsely identifies \$20 million that would come to Siskiyou County, which is a lie.

The economic impact to Siskiyou County with dam removal will be devastating and the EIR/EIS does not address any positive solutions.

Comment 14 - Economics

Sincerely,

*Liz Bowen*  
Liz Bowen, president  
Scott Valley Protect Our Water  
P.O. Box 1527  
Callahan, CA 96014  
530-467-3515

RECEIVED

2012 FEB 13 PM 12:11

RECEIVED

509083

**Comment Author** Bowen, Liz  
**Agency/Assoc.** Scott Valley Protect Our Water  
**Submittal Date** February 2, 2012

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_LT_0202-072-1	Master Response GEN-2 Some People Approve of Dam Removal and Others Oppose of Dam Removal.  Master Response AQU-5 Will Benefit All Salmon.	No
AO_LT_0202_072-2	Master Response GEN-3 Best Available Information.  Master Response GEN-16 Public Involvement.	No
AO_LT_0202_072-3	Master Response AQU-22 Expert Panel Considered in Entirety.  Master Response AQU-6 Expert Panel Coho, Steelhead and Chinook.  Master Response AQU-14 Expert Panel Resident Fish.  Master Response AQU-15 Expert Panel for Lamprey.  Master Response AQU-17 Expert Panel Second Line of Analysis, Not the Only Line of Evidence.  Master Response WQ-1 Sediment Deposits Behind the Dams and Potential Contaminants.  Master Response AQU-20 Bedload Sediment and Fish Habitat.  Master Response AQU-23 Evaluation of Dam Removal and Restoration and Anadromy (EDRRA).  Master Response AQU-7 Expert Panel Uncertainty Likelihood of Success.	No
AO_LT_0202_072-4	We assume that the comment author meant periphyton (i.e., attached algae) in the phrase "river algae."  Pursuant to CEQA, the analysis presented in the EIS/EIR carefully considers the effects of the anticipated increase in nutrient concentrations on water quality and periphyton growth in the Klamath River given available information.  Master Response WQ-27 Nutrient Response With Dams, Nutrient Release Without Dams, and Periphyton.	No
AO_LT_0202_072-5	Master Response N/CP-12 Comment Period.	No
AO_LT_0202_072-6	The EIS/EIR analyzes an alternative that describes this situation in Alternative 4, Fish Passage at Four Dams. For a detailed description of Alternative 4 see Section 2.4.5.	No

**Comment Author** Bowen, Liz  
**Agency/Assoc.** Scott Valley Protect Our Water  
**Submittal Date** February 2, 2012

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
	The Lead Agencies considered potential mitigation measures for significant impacts associated with all action alternatives. Many of the mitigation measures are applicable to multiple alternatives and are first mentioned under Alternative 2; however, the subsequent alternatives also cite these mitigation measures to reduce potential effects.	
AO_LT_0202_072-7	Master Response WSWR-10 Effects on City of Yreka Water Supply.	Yes
AO_LT_0202_072-8	The Environmental Justice analysis, Chapter 3.16, page 3.16-30 of the Draft EIS/EIR, describes the potential Environmental Justice effects of a short-term and long-term decline in tax revenues and the public services this could affect.	No
AO_LT_0202_072-9	Master Response CUL-1 Shasta Nation Participation.  Master Response CUL-2 Federal Recognition.  Section 3.13 Cultural and Historic Resources of the EIS/EIR addresses potential impacts to village and burial sites. Additional details regarding potential impacts to buried sites and management of those sites were added to Sections 3.13.4.3 and 3.13.4.4. The potential for vandalism of exposed sites was considered and is addressed in Mitigation Measure CHR-2 through the development of management plans and discovery plans, through consultations under National Historic Preservation Act (NHPA) Section 106, as applicable. In addition, Shasta would be included in the additional consultations under NHPA Section 106 for each mitigation measure.	Yes
AO_LT_0202_072-10	Chapter 6, Table 6-4 of the Draft EIS/EIR presents the local plans and policies applicable to Reclamation's Klamath Project, including Siskiyou County ordinances and policies. This table states where these plans and policies are addressed in the EIS/EIR and describes the relevant process for compliance. In response to comments received from Siskiyou County on the Draft EIS/EIR, several additional policies and ordinances have been added to this table and will appear in the Final EIS/EIR.	No
AO_LT_0202_072-11	The KHSA Section 3.2.1(iii), signed by the Secretary of the Interior Ken Salazar on February 18, 2010, directs the Secretary to undertake environmental review in support of the Secretarial Determination. All alternatives carried forward for further analysis in the EIS/EIR were analyzed using existing studies and other appropriate data as suggested in KHSA Section 3.2.1 (i), where such analysis met criteria in (40 CFR 1502.22 and 43 CFR 46.125) to incorporate available information.	Yes

**Comment Author** Bowen, Liz  
**Agency/Assoc.** Scott Valley Protect Our Water  
**Submittal Date** February 2, 2012

Comment Code	Comment Response	Change in EIS/EIR
AO_LT_0202_072-12	<p>Appendix J of the KHSA outlines the Science Process for development of the Secretarial Determination. Appendix J specifies peer review of the scientific studies for the Secretarial Determination process using subject-matter experts to maintain a high level of scientific integrity in the technical information developed as part of that process. The Expert Panels were not part of the EIS/EIR process, and only included Alternative 2 in detail (although most of this information is also applicable to Alternative 3). The Lead Agencies have used their best efforts to identify and disclose as much relevant information as possible in the EIS/EIR from the Secretarial Determination process.</p> <p>As described in KHSA Section 3.2.1(i), the FERC record is used to form Reclamation's Klamath Project description for Alternatives 4 and 5. Alternatives 4 and 5 were analyzed to ensure that the review of reasonable fish passage alternatives was comprehensive. In addition, at the time of developing a reasonable range of alternatives, the lead agencies recognized that the inclusion of Alternatives 4 and 5 would provide an assessment of the short- and long-term effects from a broader range of reasonable alternatives. Alternatives 4 and 5 are outside the authority of the Department of the Interior, the four facilities proposed for removal are privately owned structures, and there was no provision in the KHSA to include them in the Detailed Plan. The result is differing levels of available information for alternatives carried forward in the EIS/EIR consistent with the elements of each action alternative.</p> <p>A summary of this information has been added to Section 3.1.</p> <p>Pacific lamprey, along with three other lamprey species, was petitioned for ESA listing in 2003 (Nawa 2003). Although the USFWS halted species status review in December 2004 due to inadequate information (U.S. Fish and Wildlife Service [USFWS] 2004), efforts to list Pacific lamprey are anticipated to resume as more information is obtained. No current status assessments are available for any Klamath lampreys and little is known of their biology or sensitivity to environmental changes in the Klamath drainage (Hamilton et al. 2011).</p> <p>The EIS/EIR discusses the life history of lamprey in Aquatic Resources (Section 3.3.3.1). The discussion includes mention that Pacific lamprey "... spend 1 to 3 years in the marine environment, where they parasitize a wide variety of ocean fishes, including Pacific salmon, flatfish, rockfish, and pollock."</p> <p>The Expert Panel on Lamprey (Close et al. 2010) states on page 17 "The Pacific lamprey preys on a variety of fish species and marine mammals in the Pacific Ocean. Beamish (1980) reported</p>	No

**Comment Author** Bowen, Liz  
**Agency/Assoc.** Scott Valley Protect Our Water  
**Submittal Date** February 2, 2012

Comment Code	Comment Response	Change in EIS/EIR
AO_LT_0202_072-13	<p>five salmonid and nine other fish species (e.g., Pacific hake, <i>Merluccius productus</i>, and walleye pollock, <i>Theragra halcogramma</i>) that are known prey of Pacific lamprey. In addition, Pacific lamprey have been reported to feed on finback (<i>Balaenoptera physalus</i>), humpback (<i>Megaptera nodosa</i>), sei (<i>Balaenoptera borealis</i>), and sperm (<i>Physeter catodon</i>) whales (Pike 1951). However, anadromous Pacific lamprey should not be viewed as a pest species like sea lamprey of the Laurentian Great Lakes (Coble et al. 1990). In the Great Lakes, an entire community of native prey was exposed to an exotic predator, whereas Pacific lamprey have co-evolved with their prey.”</p> <p>Master Response GEN-1 Comment Included as Part of the Record.</p>	No
AO_LT_0202_072-14	<p>Master Response HYDG-1 Flood Protection.</p> <p>Master Response WSWR-4 Summary of Effects to Water Rights/Water Supply for Alternatives 2 and Alternative 3 for Municipal, Agricultural, and Tribal Use.</p> <p>Section 3.15.4.2 identifies estimated economic impacts in the affected areas, which includes Siskiyou County. Siskiyou County is included in the economic region for dam decommissioning, operation and maintenance, mitigation, irrigated agriculture, in-river sport fishing, refuge recreation, whitewater boating, and KBRA effects. There would be both new jobs and job losses in Siskiyou County as a result of dam removal. The section also includes qualitative analyses on effects to property values, county tax revenues, and energy rates in Siskiyou County. Over the period of analysis, employment in the agricultural sector is anticipated to be an important part of the regional economy..</p> <p>Appendix G-1 of the KHSA provides for Siskiyou County to receive \$20 million in economic development funds. This funding is not contingent on being a signatory to the KHSA but is contingent on passage of the California water bond.</p>	No

AO\_LT\_1107\_069



*Dean S. Brockbank  
Vice President and General Counsel  
1407 West North Temple, Suite 320  
Salt Lake City, Utah 84116  
801.220.4568 (Office)  
801.220.4615 (Fax)*

November 7, 2011

**VIA EMAIL AND OVERNIGHT MAIL**

Ms. Elizabeth Vasquez,  
Bureau of Reclamation,  
2800 Cottage Way  
Sacramento, CA 95825  
Email: [evasquez@usbr.gov](mailto:evasquez@usbr.gov); [KlamathSD@usbr.gov](mailto:KlamathSD@usbr.gov)

Mr. Gordon Leppig  
California Department of Fish and Game  
Northern California-North Coast Region,  
Habitat Conservation Program,  
619 Second St., Eureka, CA 95501  
Email: [gleppig@dfg.ca.gov](mailto:gleppig@dfg.ca.gov); [KSDcomments@dfg.ca.gov](mailto:KSDcomments@dfg.ca.gov)

Re: Request for Extension of Public Comment Period; Draft Environmental Impact Statement/ Environmental Impact Report for Klamath Facilities Removal

Dear Ms. Vasquez and Mr. Leppig:

Comment 1 - NEPA

Through this letter, PacifiCorp Energy ("PacifiCorp") conveys its request for an extension of the public comment period on the Draft Environmental Impact Statement ("DEIS")/Draft Environmental Impact Report ("DEIR") for Klamath Facilities Removal published by the U.S. Department of the Interior ("DOI") and the California Department of Fish and Game ("CDFG") on September 22, 2011 (76 Fed. Reg. 58833).

By way of background, PacifiCorp owns and operates the Klamath Hydroelectric Project ("the Project") that is the subject of the environmental review. PacifiCorp has been engaged in a multi-year process relating to the Project, which has resulted in the development of numerous scientific studies and engineering analyses that are relevant to the DEIS/DEIR and the proposed alternatives considered in that document. PacifiCorp is presently in the process of reviewing the DEIS/DEIR, and intends to submit written comments on relevant technical information and analyses presented in the document.

Given the volume, scope and complexity of technical information associated with the Project and the alternatives described in the DEIS/DEIR, PacifiCorp respectfully requests that DOI and CDFG extend the public comment period on the DEIS/DEIR by an additional sixty (60) days. Such an extension of time is reasonable and appropriate in

Page 2  
November 7, 2011

view of the importance of this proceeding to the many stakeholders involved and the volume the information in the DEIS/DEIR for which public comment has been requested.

Thank you for your consideration of this request. Please feel free to contact me or Tim Hemstreet, Klamath Project Manager, at (503) 813-6170 if you have any questions regarding this request.

Sincerely,



Dean Brockbank,  
Vice President & General Counsel  
PacifiCorp Energy

cc: John Bezdek, Special Advisor to the Chief of Staff of the Secretary of the Interior  
Email: John\_bezdek@ios.doi.gov  
Liane Randolph, Deputy Secretary and Chief Counsel, California Natural Resources Agency  
Email: liane.randolph@resources.ca.gov  
Matt Baun, U.S. Fish and Wildlife Service  
Email: Matt\_Baun@fws.gov

**Comment Author** Brockbank, Dean  
**Agency/Assoc.** PacifiCorp Energy  
**Submittal Date** October 20, 2012

---

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_MC_1107_069-1	Master Response N/CP-12 Comment Period.	No



**Comment Author** Brown, Josh  
**Agency/Assoc.** Environmental Protection Information Center  
**Submittal Date** November 22, 2011

---

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_MF_1122_036-1	Master Response GEN-2 Some People Approve of Dam Removal, Others Oppose Dam Removal.	No

-----  
From: [pbrucker@srrc.org](mailto:pbrucker@srrc.org)[SMTP:PBRUCKER@SRRC.ORG]  
Sent: Friday, December 30, 2011 6:10:26 PM  
To: BOR-SHA-KFO-Klamathsd; [werner@wrinkledog.com](mailto:werner@wrinkledog.com)  
Subject: Web Inquiry: Input of the Salmon River Restoration Council for the SRRC Comments for the Draft EIS/EIR for the Removal of Four Power Facilities/Dams on the Klamath River Auto forwarded by a Rule

Name: Petey Brucker  
Organization: Salmon River Restoration Council

Subject: Input of the Salmon River Restoration Council for the SRRC Comments for the Draft EIS/EIR for the Removal of Four Power Facilities/Dams on the Klamath River

Body: From: Mr. Petey Brucker, Klamath Coordinator, Salmon River Restoration Council, PO Box 1089, Sawyers Bar, CA, 96027, [pbrucker@srrc.org](mailto:pbrucker@srrc.org), 530 462 4665,

RE: Input of the Salmon River Restoration Council for the SRRC Comments for the Draft EIS/EIR for the Removal of Four Power Facilities/Dams on the Klamath River

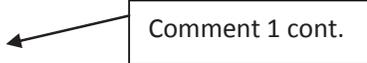
Thank you for performing the task of developing the Draft EIS/EIR for the Removal of Four Power Facilities/Dams on the Klamath River. We would also like to extend our appreciation to you for providing us with this opportunity to share our thoughts and to give you our input in this process.

The SRRC is in favor of Alternative 2 - Full Facility Removal (Alternative 2 or Proposed Action) This alternative would involve the full removal of all four hydroelectric dams on the Klamath River and their related facilities in order to achieve a "free-flowing" condition: J.C. Boyle, Copco 1, Copco 2, and Iron Gate.

The document makes a very compelling case for dam removal citing a projected 86% increase in fall Chinook runs, alleviation of massive blooms of toxic algae, and creation of over 4,600 jobs over next 15 years. The SRRC concludes that Alternative 2 will be the most beneficial way to advance restoration and sustain natural production of fish species and the fishery of the Klamath Basin, This would be accomplished in part by restoring access to areas currently above impassable dams.

In addition being in the best interest of the public, the adoption of Alternative 2 would best contribute to the public welfare and the sustainability of all Klamath River Basin Communities. It would best address the needs of the affected local communities and tribes of the Klamath River Basin. A decision for and implementation of Alternative 2 would also be consistent with statutory obligations and tribal rights. The adoption of Alternative 2 would result in the most effective and durable solutions to establish reliable water and power supplies to sustain agricultural uses, communities, and National Wildlife Refuges of the Klamath Basin. Alternative 2 provides the best pathway forward to improve long-term water quality conditions consistent with State of California designated beneficial uses

Comment 1 - Approves of Dam Removal



Comment 1 cont.

The SRRC sees Alternative 2 as providing the most likely way to achieve full participation in harvest opportunities for sport, commercial and Tribal fisheries in the ocean and in the river throughout the Klamath Basin.

The EIS/CEQA Document and the related studies more than adequately provide the Secretary of Interior with the information that is needed to arrive at and make an excellent determination in 2012 as to whether to proceed with the removal of the four PacifiCorp Dams on the Klamath River. Not only does the proposed action best advance the restoration of the salmonid fisheries in the Klamath Basin in the public interest, it is consistent with the KHSA and the KBRA.

We look forward to a Final decision notice as to whether to remove the four lower dams on the Klamath River to act in the public's interest and achieve a free-flowing condition and allow full volitional passage of fish. We very much appreciate the excellent work that everyone has done on this. If you have any questions or additional needs from myself and the Salmon River Restoration Council, please contact us. Thanks you again for providing us with this opportunity to express our opinion.

**Comment Author** Brucker, Petey  
**Agency/Assoc.** Salmon River Restoration Council  
**Submittal Date** December 30, 2011

---

<b>Comment Code</b>	<b>Comment Response</b>	<b>Change in EIS/EIR</b>
AO_WI_1230_062-1	Master Response GEN-2 Some People Approve of Dam Removal, Others Oppose Dam Removal.	No

AO\_WI\_1117\_031

-----  
 From: [dancebirds@sbcglobal.net](mailto:dancebirds@sbcglobal.net)[SMTP:DANCEBIRDS@SBCGLOBAL.NET]  
 Sent: Thursday, November 17, 2011 11:48:35 AM  
 To: BOR-SHA-KFO-Klamathsd; [werner@wrinkledog.com](mailto:werner@wrinkledog.com)  
 Subject: Web Inquiry: Water Quality  
 Auto forwarded by a Rule

Name: Jim Clark  
 Organization: Individual

Comment 1 - Approves of Dam  
 Removal

Subject: Water Quality

Body: The Redwood Region Audubon Society (RRAS) is in favor total removal Iron Gate, Copco 2, Copco 1 and J. C. Boyle dams, as proposed in Alternative 2, from the Klamath River.

Comment 2 - Fish

We further find the DEIS/DEIR does not adequately address the probabilities that anadromous fish passage and spawning and riparian wildlife habitat would be significantly improved by dam removal under the Klamath Hydroelectric Settlement Agreement (KHSAs) and linked Klamath Basin Restoration Agreement (KBRA). Although there are many unresolved issues in the KBRA/KHSA, we have confined our comments to issues that relate to the effectiveness of dam removal on water quality and its effect on fish and wildlife.

Our findings are based on the uncertainty of water quality improvements under KBRA/KHSA and an unaddressed potential conflict between water quality and quantity, as follows:

Comment 3 - Alternatives

1. The DEIS/DEIR Fails to adequately assess the impact of lease land farming on the Tule Lake National Wildlife Refuge to water quality goals after dam removal.

In Table ES-7. Summaries of controversies and Issues Raised by Agencies and the Public states "Runoff from agriculture and refuges results in poor water quality in Keno Reservoir and in the mainstem Klamath River. This causes fish stress, disease and mortality. Continued farming and ranching in the Tule Lake National Wildlife Refuge and Lower Klamath Lake National Wildlife Refuge under the KBRA would inhibit fish species reintroduction and survival."

Under the KBRA, which would be in effect after dam removal, lease land farming on the Tule Lake Refuge, and its associated water quality degradation, would continue for fifty years. The Tule Lake Refuge has the potential and should be considered a vital component of improving Klamath River water quality, not degrading it.

The DEIS/DEIR should consider pesticide and nutrient contamination contributed by lease farming on Tule Lake National Wildlife Refuge as a factor in post dam removal water quality.

The DEIS/DEIR fails to adequately assess the impact of the Keno Dam impoundment to water quality goals after dam removal.

Comment 4 - Keno

Comment 4 cont.

Table ES-7 also states “Low levels of dissolved oxygen and high water temperatures during certain times of year would prohibit passage of fish through the Keno impoundment and Upper Klamath Lake.”

Although under the KBRA/KHSA Keno Dam would be turned over to the Department of Interior for management, it is unclear how this would improve water quality.

The DEIS/DEIR fails to adequately address the impact of Upper Klamath Lake water quality to post dam removal water quality.

Under the KBRA/KHSA, Upper Klamath Lake would continue to be used as a reservoir for storage of water for distribution to irrigators and the downstream Klamath River. Increased capacity based on re-flooding subsided former marshes (Williamson River Delta) is part of this plan. Before alterations to enable agriculture, the upper Klamath Lake marshes provided treatment for the naturally occurring high phosphate level water flowing into the lake through volcanic rock and soil. This resulted in three negative effects:

- a. Drastic reduction of phosphate removal and nutrient stabilization
- b. Addition of nutrient rich runoff from agriculture
- c. Significant removal of marsh bird habitat

As a result, Upper Klamath Lake is eutrophic with high levels of algae and nutrients and low levels of oxygen that cannot sustain fish and other aquatic life upon which birds depend.

Management of functional marshes around Upper Klamath Lake that formerly stabilized nutrients and controlled algae will require nearly continuous hydraulic connectivity with the lake which, due to subsidence of former pastureland, will require a lower lake level with limited level fluctuation. This may result in less storage capacity, not more, and generate a conflict between water quality and quantity.

Comment 5 - Water Quality

The DEIS/DEIR fails to adequately evaluate the effect of the dam impoundments on nutrient conversion. Although the toxic algae in the lower impoundments would be reduced or eliminated by dam removal, the algal roll in nutrient conversion of this algae has not been quantified. What threats to fish and wildlife, if any, to these nutrients pose down river during low flows?

Polluted water from this river system dams are adversely affecting fish and wildlife along the river. Polluted water from the Klamath Basin have both direct and indirect effect on wildlife in our area and thus both direct and indirect effect on coastal economies.

Comment 6 - Algae

5. The DEIS/DEIR fails to adequately evaluate the current effects of the dams and likely effect of their removal nearshore ocean waters and coastal wildlife. Salmonids returning to the Pacific Ocean provide food for coastal seabirds such as cormorants, murrets, and osprey. Bald eagles used to be much more common along the coast. Since the dams were built we have witnessed a decline of over 6000 jobs in the fishing industry in cities along the coast of Mendocino, Humboldt, and Del Norte counties of California and Curry County, Oregon. Recently many dead common murrets have washed up along our beaches. Some of this die-off is

Comment 7 - Marine Life

Comment 7 cont.

caused by red-tide, a harmful algal bloom. Healthy, well-fed birds have more resistance to the organisms causing red-tide.

6. The DEIS/DEIR does not adequately address the current effects of the dams and likely effect of their removal on the river corridor. Carcasses of spawned out salmonids provide a rich protein source for wildlife along the river. Raccoons, bears, river otters, even mice and shrews feed on spawned out fish. Ospreys, bald eagles, herons, egrets, and kingfishers are among the fish that benefit directly on fish in our rivers. These mammals and birds move upland to feed their young where their droppings nourish our forests.

Comment 8 - Terrestrial/Wildlife

Our conclusion is that dam removal will only be effective if water quality going into the middle reach of the Klamath is of good quality. Otherwise, fish killing conditions might only be moved upstream.