AA.1 State Agencies

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STATE OF CALIFORNIA------- BUSINESS, TRANSPORTATION AND HOUSING AGENCY Edmund G. Brown Jr, Governor

DEPARTMENT OF TRANSPORTATION
OFFICE OF COMMUNITY PLANNING
1657 RIVERSIDE DRIVE
P. O. BOX 496073
REDDING, CA 96049-6073
PHONE (530) 229-0517
FAX (530) 225-3020
TTY (530) 225-2019

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Flex your power!
Be energy efficient!

IGR/CEQA Review
Sis-5-58
Klamath River Dam Removal EIS/EIR
SCH# 2010062060

U.S. DOI and California Department of Fish and Game
619 Second Street
Eureka, CA 95501

Dear Mr. Leppig:

Thank you for the opportunity to review the Environmental Impact Statement and Environmental Impact Report (EIS/EIR) prepared for the Klamath River Dam Removal Project. The project includes the removal of Iron Gate, Copco 1 and 2, and J.C. Boyle dams and their associated facilities. The Iron Gate and Copco dams are located in Siskiyou County. Iron Gate Dam is the furthest downstream and is located at River Mile 190.

The primary concern for Caltrans is whether Interstate 5, State Route 96, or State Route 263 bridge structures will be negatively affected by the project. Caltrans requested the HEC-RAS model prepared for the project by the U.S. Bureau of Reclamation. Thank you for providing this information during the EIS/EIR review period. The model provides adequate information to assess the potential impacts to the highway structures. We have determined that significant impacts to the structures are not expected to occur.

If you have any questions, please call me at (530)225-3369.

Sincerely,

MARCELINO GONZALEZ
Local Development Review
Office of Community Planning
District 2

"Caltrans improves mobility across California"

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STATE OF CALIFORNIA------- BUSINESS, TRANSPORTATION AND HOUSING AGENCY Edmund G. Brown Jr, Governor

DEPARTMENT OF TRANSPORTATION
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Flex your power!
Be energy efficient!

IGR/CEQA Review
Sis-5-58
Klamath River Dam Removal EIS/EIR
SCH# 2010062060
ADDENDUM COMMENTS

November 17, 2011

U.S. DOI and California Department of Fish and Game
619 Second Street
Eureka, CA 95501

Dear Mr. Leppig:

Thank you for the opportunity to review the Environmental Impact Statement and Environmental Impact Report (EIS/EIR) prepared for the Klamath River Dam Removal Project. The project includes the removal of Iron Gate, Copco 1 and 2, and J.C. Boyle dams and their associated facilities. The Iron Gate and Copco dams are located in Siskiyou County. Iron Gate Dam is the furthest downstream and is located at River Mile 190.

On Page 3.22-15 the EIS/EIR Section 3.22 Traffic and Transportation includes a discussion of Road Condition Effects. Due to the increase in large trucks necessary for deconstruction and construction, Caltrans requests that the analysis of road conditions include the Interstate 5 (I-5) ramp intersections affected by the project. Consistent with the EIS/EIR impact discussion, we request that following completion of dam deconstruction additional analysis of road conditions at the ramp intersections be completed and where needed, as a result of wear generated by deconstruction that repair or replacement actions be required.

If you have any questions, please call me at (530)225-3369.

Sincerely,

MARCELINO GONZALEZ
Local Development Review
Office of Community Planning
District 2

"Caltrans improves mobility across California"

CA_LT_1230_011
Duplicate of CA_LT_1230_010

California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

Matt Rodriquez
Secretary for Environmental Protection

Edmund G. Brown Jr.
Governor

December 27, 2011

Ms. Elizabeth Vasquez
MP150 – Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Mr. Gordon Leppig
CA Department of Fish and Game
619 Second Street
Eureka, CA 955501

Dear Ms. Vasquez and Mr. Leppig:

Regarding**:** Comments on *Klamath Facilities Removal Public Draft Environmental Impact Statement/Environmental Impact Report (DEIS/DEIR)*

The North Coast Regional Water Quality Control Board (Regional Water Board) appreciates the opportunity to provide comments to the Department of Interior, Bureau of Reclamation (DOI), and the California Department of Fish and Game (DFG), on the draft Environmental Impact Statement/Environmental Impact Report (DEIS/DEIR) that evaluates impacts of removing four dams on the Klamath River pursuant to the terms of the Klamath Hydroelectric Settlement Agreement (KHSA). The Regional Water Board was not a party to the KHSA, but did participate in the development of interim water quality measures while these additional studies are conducted on PacifiCorp's Klamath Hydroelectric Project (KHP). Regional Water Board staff has been working with the federal and state lead agencies as a cooperating agency under NEPA and a responsible agency under CEQA.

The Klamath River is listed as impaired under Clean Water Act section 303(d) because it does not meet water quality standards for the pollutant/stressors of temperature, organic enrichment/low DO, and nutrients. The reach of the Klamath River that includes portions of the KHP, specifically Copco and Iron Gate Reservoirs is also listed as impaired for the bluegreen algae toxin microcystin. The TMDL assigns three load allocations to the KHP in California which are detailed in Chapter 2 of the DEIS/DEIR. While the decision to remove the dams will likely result in achieving the DO objectives and load allocations assigned to the KHP, the decision to move forward with dam removal will be made by several federal and state agencies but not the Regional Water Board. In the event of an affirmative Secretarial Determination and state concurrence, the Regional Water Board will then decide whether dam removal under the KHSA complies with the TMDL, and will rely in part on this environmental analysis for information. Also, a water quality certification to accompany a federal dredge and fill permit must be issued by the State or Regional Water Board, which will also require CEQA compliance.

The Regional Water Board is currently circulating a proposed Policy for Aquatic Ecosystem Restoration, which is intended to provide guidance on the implementation of ecological restoration projects which may result in temporary water quality impacts but that will in the long-term improve water quality conditions and provide greater support of beneficial uses than currently exists. The Policy articulates the continuing support of the Regional Water Board for the use of aquatic system restoration as one of the several existing tools to be used in the restoration and maintenance of the chemical, physical, and biological integrity of the region's waters. If the Policy is adopted into the Basin Plan, the DEIS/DEIR will provide useful information for the Regional Water Board to evaluate the Facilities Removal project within the context of the Policy.

The DEIS/DEIR is a comprehensive document that will serve the Regional Water Board's needs should the KHSA proceed. The DEIS/DEIR adequately describes the short- and long-term impacts to water quality from the decommissioning of the Klamath dams, including impacts to water chemistry, sediment chemistry, hydrology, biology, and geomorphology. In addition, it properly describes the impacts of the facility in its current condition. KHP conditions contribute to the non-attainment of beneficial uses, including the most sensitive beneficial uses: those associated with the cold water fishery (specifically the salmonid fishery), and those related to cultural uses and practices. The DEIS/DEIR adequately describes applicable and feasible Best Management Practices and mitigation measures designed to minimize soil erosion, surface runoff, and other potential adverse water quality impacts, including cumulative impacts. It also appears that important mitigation has been incorporated into the project description, particularly the timing of facility removal designed in a manner that best avoids and minimizes impacts to fisheries.

Additional, specific water quality comments are attached.

We want to thank you and your team for the impressive work completed to date and look forward to the next phase of this process.

If you have questions regarding this letter, please contact Clayton Creager at (707) 576-2666 or by email: ccreager@waterboards.ca.gov. Written correspondences or inquiries should be addressed to: North Coast Regional Water Quality Control Board, Attn.: Clayton Creager; 5550 Skylane Boulevard; Suite A, Santa Rosa, CA 95403.

Sincerely,

Original signed by

Catherine Kuhlman
Executive Officer

111227_CSC_Klamath_EISEIRComment_Transmittal

Enclosure: Comments on *Klamath Facilities Removal Public Draft Environmental Impact Statement/Environmental Impact Report (DEIS/DEIR)*

Klamath Facilities Removal
Draft Environmental Impact / Statement / Environmental Impact Report – 09/ 2011

Commenting Agency: CA North Coast Regional Water Quality Control Board

Commenters: Clayton Creager, David Leland, Bryan McFadin, and Alydda Mangelsdorf

---

Section & Page Number: ES-9 and ES-10

Comment:

- Consider adding to the Klamath Basin Timeline (pp. ES-9 and ES-10) a few relevant dates associated with water quality control. This is particularly appropriate with respect to Alternatives 1 and 4 in which implementation of the Total Maximum Daily Loads (TMDLs) adopted by the States of Oregon and California, and approved by the U.S. Environmental Protection Agency (USEPA), and the Action Plan adopted by California's North Coast Regional Water Quality Control Board (Regional Water Board) will become more fundamentally key to achieving or moving towards achievement of the stated environmental goals of the project. The dates relevant to water quality control in California include:
    - ✓ 1975, Regional Water Board adopts a comprehensive basin plan for the Klamath River Basin, including designation of the river as providing Cold Freshwater Habitat (COLD); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and /or Early Development (SPWN); Water Contact Recreation (REC1); Agricultural Supply (AGR); and Hydropower Generation (POW), among other beneficial uses.
    - ✓ 2003, Regional Water Board adopts Native American cultural use as a beneficial use of the Klamath River from the Seiad Valley Hydrologic Subarea downstream to the Klamath Glen Hydrologic Subarea.
    - ✓ Under Section 303(d) of the Clean Water Act, the USEPA lists the Klamath River as impaired for temperature, dissolved oxygen, and nutrients in , sediment in , and microcystin (Please refer to corrections provided in Table 2-7 for listing dates -- comment below)
    - ✓ In 2010, the Regional Water Board adopts a Total Maximum Daily Load (TMDL) to determine the pollutant load reductions necessary to return water quality to a condition which supports the beneficial uses of the Klamath River. The Regional Water Board simultaneously adopts revised DO objectives and an Action Plan identifying the specific actions and time frames necessary to restore water quality. USEPA approves the TMDL.

Section & Page Number: ES-17

Comment:

- The CEQA project objectives as listed on page ES-17 are consistent with the objectives of the Regional Water Board as defined in its Basin Plan.

Section & Page Number: ES-21 – ES-27

Comment: The selected project alternatives represent a reasonable range of project options.

Section & Page Number: Table ES-4, footnote 9, p. ES-30

Comment: First sentence is misleading. Suggest rewording to make it clearer that increased periphyton biomass would not lead to increases in algal toxins in the Klamath River.

Section & Page Number: ES-28 – ES-36

Comment: Table ES-4, Summary of Significant and Unavoidable Impacts, should include mitigation measures already included in the project alternative design plan such as seasonally-timed facility removal plan, activities to ensure access to refugial habitat, and transport of juveniles out of high impact reaches.

Section & Page Number: Section ES.7.2, page ES-41

Comment: Baseline should include "listing under Section 303(d) of the Clean Water Act" as a result of impaired water quality and habitat conditions.

Section & Page Number: 2.4.3.9, p. 2-44, 4th bullet

Comment: Chronic fine sediment inputs also can be associated with routine road operations, not just road failures.

Section & Page Number: 2.4.4, page 2-62

Comment: Table 2-21 describes the features to be removed and retained under Alternative 3. Please describe (or reference a discussion elsewhere in the document) the hydrologic consequences of retaining structures within the active channel. Will the natural pattern and range of flows act upon hardened structures in such a manner as to result in excessive or extreme site-specific streambed or streambank erosion? How does the retention of hardened structures affect the ability of the river to ultimately achieve a self-sustaining, dynamic equilibrium?

Section & Page Number: Table 3.2 – 2 pages: 3.2 – 4 – 3.2 - 6

Comment: The beneficial uses listed for the Pacific Ocean should be modified to better reflect the findings of the California Ocean Plan. For example, the Ocean Plan identifies "fish migration" as a beneficial use, not "migration of aquatic organisms." Also, the Ocean Plan includes "mariculture" as a beneficial use which does not appear to be listed in Table 3.2-2. It is important to note that the 2009 Ocean Plan cited in this section is before the State Board for amendment, including the proposed amendment of information included in Table 3.2-2.

Section & Page Number: 3.2.2.2.1, Table 3.2-4 page 3.2-9

Comment: The interstate temperature objective should also be presented:

Cold and warm should be all caps in the sentence below:
"The temperature of any cold or warm freshwater habitat shall not be increased by more than 2.8ºC (5ºF) above natural receiving water temperature."

Section & Page Number: 3.2.2.4.6 page 3.2-17, last sentence.

Comment: The document should reference the Basin Plan, which includes the Scott River TMDL Action Plan. The work plan is not a good reference, and will be removed from the NCRWQCB website soon.

Section & Page Number: 3.2.3.2 page 3.2-22

Comment: First sentence, third paragraph: It's worth adding sunlight or solar energy as a natural heating factor.

Section & Page Number: 3.2.3.2 page 3.2-22

Comment: Third paragraph, last sentence:
Dunsmoor and Huntington's report indicates temperature effects of the reservoirs extend past the Salmon River.

Section & Page Number: 3.2.4.1.1 page 3.2-36

Comment: Third paragraph: The sentence below indicates the T4BSRN simulates attainment of the temperature TMDL, which it doesn't. It does not simulate attainment of the California temperature TMDL.

"The Klamath TMDL model includes a dams-in scenario (T4BSRN) assuming full attainment of the Oregon and California TMDLs with all Four Facilities in place (Tetra Tech 2009), similar to the conditions for the No Action/No Project Alternative."

Section & Page Number: 3.2.4.1 page 3.2-37

Comment: The EIS/EIR states that suspended sediment concentrations were modeled for the period 1961-2008, identified as background, and for conditions following dam removal. This approach appears appropriate for the purpose of establishing the degree to which suspended sediment discharges impact turbidity, suspended sediment, suspended material, and settable material. This information shows no long-term nuisance or impacts on beneficial uses.

Section & Page Number: 3.2.4.1.4 page 3-38

Comment: California's threshold of significance for DO is contained as a newly adopted Site Specific Objective for DO in the Klamath River and is based on a spatially and temporally varying percent DO saturation under natural receiving water temperatures. Regional Board staff agrees with the proposal to initiate drawdown during winter months when flows are higher and the

relative water quality impacts are lower than other times of the year. This element of the dam removal alternative seems to be designed as a mitigation but is not listed as such.

Section & Page Number: 3.2.4.1.1 page 3.2-50

Last Sentence:
The effects of increased tributary flows on lower Klamath River temperatures were evaluated as part of the Klamath TMDL. That analysis indicated very little temperature effect on the Klamath River, and only when the tributaries were assumed to have full natural flows, an unlikely future situation.

Section & Page Number: 3.2.4.1.1 page 3.2-51

Comment: Second paragraph -- Our review of the Klamath TMDL model results finds a temperature impact from the reservoirs that extends past Seiad Valley. The model results indicate minimal change associated with the reservoirs just upstream of the Trinity River, however. Therefore, we believe it is more accurate to state that the thermal impacts of the reservoirs prevent achievement of the water quality objective for temperature as far down as the Salmon River. This is further supported by information presented in Dunsmoor and Huntington (2006). If the statement that "water temperature from Seiad Valley (RM 129.4) to the Salmon River (RM 66.0) (the approximate location at which the reservoir temperature signal no longer persists under existing conditions), would meet water quality objectives" is based on an interpretation that beneficial uses are supported, despite the change in temperatures, that should be stated and explained.

Section & Page Number: 3.2.4.3.1.1 (throughout)

Comment: This section doesn't highlight the most acute temperature impact of the reservoirs on salmonids: the approximately three week shift in temperatures and the consequent effect on spawning salmon. This section should clearly distinguish between temperature conditions for juveniles rearing throughout the summer and adults spawning in the fall.

Section & Page Number: 3.2.6 pages 3.2 – 149 – 3.2 - 161

Comment: Table 3.2-14, Suspended Sediment, should consider for Alternative 3, the on-going excessive streambank and streambed erosion resulting from the retention of hardened

structures in the stream channel, and propose mitigation measures designed to reduce the impacts.

Section & Page Number: 3.3.4.3 page 3.3-53.

Comment: The No Action/No Project Alternative is described as resulting in major stress to migrating adult and juvenile salmonids during winter months, based on the comparison of modeling results to Newcombe and Jensen (1996) Severity Index. Please report the Severity Index Rank in the text.

Section & Page Number: 3.3.4.3 page 3.3-54

Comment: The text describes the environmental consequences of the No Action/No Project alternative, including the effects on dissolved oxygen (DO). Section 3.2.2 accurately depicts California's DO objectives for the Klamath River. So, Regional Water Board staff assumes that the description in Section 3.3.4 of the DO objectives being a requirement to meet 85% saturation is simply a short hand. Please add text to this section which clarifies this definition as a short-hand description.

Section & Page Number: 3.3.4.3 page 3.3-74

Comment: It would be useful to the reader to make clear that the Interim Measures are measures occurring under KHSA and occur whether or not the dams are decommissioned. It would also add clarity to mention that a truck and haul operation goes hand-in-hand with the habitat improvements described for the J.C. Boyle reach.

Section and Page Number: Table 4-4 (General) 4-22

Comment: One of the criteria for being granted an exemption from discharge prohibitions, under the proposed Regional Water Board Restoration Policy, is that "Disturbance to beneficial uses is limited to the absolute minimum by controlling the timing, character, and volume of discharge in accordance with the needs of the most sensitive beneficial uses and/or creating refugia or access to existing refugia, as necessary." (NCRWQCB 2011, page 11) If the dam removal alternative is selected the Regional Water Board staff encourages the coordination of KBRA restoration efforts with the proposed action so as to address the refugia needs of aquatic organisms that are created by the short-term impacts associated with the proposed action.

Section and Page Number: Comparison of comments made in Section 4.4.1.1 (p. 4-43) and Section 4.4.1.3 (p. 4-53)

Comment: Section 4.4.1.1 reports that the cumulatively considerable water quality impacts associated with increased SSCs will last 1-2 months during reservoir drawdown. This does not comport with page 4-43 which states "…SSCs in the lower Klamath River would be sufficient (≥30 mg/L) to substantially adversely affect beneficial uses throughout the lower River and the Klamath Estuary for 6-10 months following drawdown (Greimann et al. 2011)." Please clarify.

Section & Page Number: 5.5.3, page 5-100

Comment: Effects on periphyton community composition in the Hydroelectric Reach, while significant and unavoidable, would reflect the change from a reservoir to riverine setting, and thus would not necessarily be considered adverse. There are also factors under a free-flowing condition (e.g., scouring flows) that could limit the accumulation of periphyton densities to levels deleterious to water quality.

Section & Page Number: 5.6, page 5-107, last paragraph

Comment: Suggest that the second sentence be modified to state that both Alternatives 2 and 3 would result in superior long-term beneficial environmental effects, to be consistent with the preceding sentence.

End of Comments

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Oregon
John A. Kitzhaber, MD, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE, Ste C
Salem, OR 97301-1266
(503) 986-0671
Fax (503) 986-0793
www.oregonheritage.org

December 5, 2011

Ms. Laureen Perry
Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

RE: SHPO Case No. 10-2640
Klamath Dams Removal Study Proj NO. 09-KBAO-253
FOE/removal of 4 dams along Klamath River (Oregon & California)
Bureau of Reclamation
Multiple legals, Klamath County

Dear Ms. Perry:

I have reviewed the Environmental Impact Statement (EIS) dated September 2011, as it relates to above-ground historic resources. The EIS incorporates the findings of the Request for Determination of Eligibility and Historic Context Statement documents prepared by George Kramer in 2003, and includes potential measures for mitigating the adverse effects of the Klamath Dams removal.

I have no additional questions or concerns beyond what Dennis Griffin included in his letter dated November 30, 2011. I look forward to working with you, and others involved in the process, as the project progresses to develop a Memorandum of Agreement and/or Programmatic Agreement to address the adverse effects. If you need any additional information or comments from me prior to that time, please let me know.

Duplicate of OA_LT_1130_002

Sincerely,

Julie Osborne

Julie Osborne
Preservation Specialist
(503) 986-0661
Julie.Osborne@state.or.us

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CA_LT_1003_002

STATE OF CALIFORNIA rnor

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(916) 653-4082
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September 29, 2011

Gordon Leppig
U.S. DOI and California Department of Fish and Game
619 Second Street
Eureka, CA 95501

RE: SCH# 2010062060 Klamath Facilities Removal Project Draft EIS/EIR: Siskiyou County.

Dear Mr. Leppig:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. . **USGS 7.5 minute quadrangle name, township, range and section required.**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
Program Analyst
(916) 653-4040

cc: State Clearinghouse

STATE OF CALIFORNIA—NATURAL RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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EDMUND G. BROWN, JR., *GOVERNOR*

December 27, 2011

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

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

Subject: Klamath Facilities Removal DEIS/EIR

Dear Ms. Vasquez and Mr. Leppig:

The following comments on the Draft Environmental Impact Statement/Report for the proposed Klamath Facilities Removal project are provided by the California Coastal Commission.

Chapter 6 of the document states that "The removal of The Four Facilities would be subject to multiple federal and state statutes and local planning regulations. Table 6.1 lists the federal statute or requirement, the section it is described in, any relevant permits or processes required, and the status of compliance. Table 6.2 provides the regulatory requirements of the State of California . . . ." Table 6.1 lists the Coastal Zone Management Act and states that the relevant permits and processes are the EIS/EIR and a coastal zone consistency certification. Table 6.2 lists the California Coastal Management Act and states that the relevant permits and processes are a consistency determination.

Chapter 6 also states that "Some questions remain over the ultimate applicability of local regulations depending on the selection of the Dam Removal Entity (DRE)(responsible for dam deconstruction) or Hydropower Licensee (responsible for taking over the dams and operations). Future environmental analysis and compliance documentation of the Definite Plan and the Klamath Basin Restoration Agreement (KBRA) will specify the applicable regulations with greater certainty once the selection of the Dam Removal Entity or hydropower licensee is made."

These comments serve to clarify the potential regulatory role of the California Coastal Commission given the present uncertainty of the proposed project and the implementing and/or

permitting federal agency. If the Klamath Facilities Removal project becomes a federal agency activity (e.g., Bureau of Reclamation, Corps of Engineers) which would affect the coastal zone (notwithstanding the activity's location inland of the coastal zone), then it is the federal agency's responsibility for complying with federal Coastal Zone Management Act (CZMA) federal consistency requirements (i.e., prepare and submit to the California Coastal Commission a consistency *determination*).

However, if the Klamath Facilities Removal project becomes a non-federal agency activity and a federal agency is issuing a permit or license or authorization to another entity, then that entity is responsible for CZMA compliance (i.e., prepare and submit to the California Coastal Commission a consistency *certification*); in addition, the federal agency cannot issue the permit/license/authorization until the Commission has concurred with the consistency certification. Under this scenario, because the project is located inland of the coastal zone, the Commission would first need to obtain permission from NOAA's Office of Ocean and Coastal Resource Management (OCRM) to review the project under the CZMA. This permission would be sought once the Commission receives notice that an application has been made to a federal agency for the non-federal agency project. This scenario would also be applicable should the Klamath Facilities be retained and a hydropower licensee apply for federal authorization (e.g., from the Federal Energy Regulatory Commission) to take over the Klamath River hydropower facilities and operations (i.e., a consistency certification would need to be prepared by the proposed hydropower licensee and submitted to the Coastal Commission, should the Commission be granted permission by OCRM to review the proposed hydropower license).

Therefore, the Commission suggests that: (1) the language in Table 6.1 be modified to state that the relevant permits and processes are the EIS/EIR and a **consistency determination or consistency certification**; and (2) the language in Table 6.2 be modified to state that the statute is the **California Coastal Act** and the relevant permit and processes are a **consistency determination or consistency certification**.

While the Commission staff has not been able to comprehensively review the voluminous DEIS/R, our review of the Executive Summary and selected chapters indicates that the preferred alternative (removal of dams and related facilities) would improve and protect coastal resources, particularly water quality, fisheries, aquatic habitat, recreation, and archaeological resources. As stated in our July 21, 2010, comment letter to the Bureau and the Department on the Notice of Intent and Notice of Preparation to prepare an EIS/EIR for implementing the Klamath Hydroelectric Settlement Agreement, the Commission staff believes that the removal of the PacifiCorps dams on the Klamath River would affect the coastal zone and will require Commission review of a federal consistency determination (if the project is a federal activity) or a consistency certification (if the project is licensed, permitted, or assisted by a federal agency). The federal consistency submittal should include a finding that the proposed project is consistent with the California Coastal Management Program and should contain sufficient information for the Commission to assess the project's effect on the coastal zone.

Please contact me at (415) 904-5288 or lsimon@coastal.ca.gov should you have any questions regarding the preparation and submittal of a consistency determination or certification.

Sincerely,

Larry Simon
Federal Consistency Coordinator

cc: Robert Merrill, CCC – North Coast District

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STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., *Governor*

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

DEC 29 2011

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

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

SCH #2010062060, Public Draft Environmental Impact Statement/Environmental Impact Report for the Klamath Facilities Removal Project
Siskiyou County

We have reviewed the subject report addressing the potential environmental impacts which would result from the removal or alteration of four dams on the Klamath River. Three of the four dams are located in northern California and the fourth is in southern Oregon. All three dams in California are under our jurisdiction for dam safety; they include Copco No. 1, Copco No. 2, and Iron Gate, Dam Nos. 91, 91-2, and 91-3 respectively.

The study outlines five alternatives, including a No Action/No Project Alternative. Alternative 2, Full Facilities Removal of Four Dams (the proposed action) and Alternative 3, Partial Facilities Removal of Four Dams (to allow free-flowing river conditions), would both require removal applications for each of the three dams located in California. Alternative 4, Fish Passage at Four Dams, would require an alteration application for each of the three dams located in California. Alternative 5, Fish Passage at J.C. Boyle and Copco No. 2 along with the Removal of Copco No. 1 and Iron Gate, would require an alteration application for Copco No. 2 and removal applications for Copco No. 1 and Iron Gate.

All applications must be submitted to the Division of Safety of Dams together with plans, specifications, and the appropriate filing fees. All dam safety related issues must be resolved, and the applications must be approved prior to commencing construction. Sharon Tapia, our Design Engineering Branch Chief, is responsible for the application process and can be reached at (916) 227-4660.

Ms. Elizabeth Vasquez
Mr. Gordon Leppig
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If you have any questions or need additional information, you may contact Office Engineer Randy Fessler at (916) 227-4601 or Regional Engineer Y-Nhi Enzler at (916) 227-4604.

Sincerely,

Michael Waggoner

Michael G. Waggoner, Chief
Field Engineering Branch
Division of Safety of Dams

cc: Ms. Nadell Gayou
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