

# **Chapter 7**

## **Consultation and Coordination, Document Availability, and Distribution List**

This chapter documents the consultation and coordination activities that have occurred during the development of this Klamath Facilities Removal Environmental Impact Statement/ Environmental Impact Report (EIS/EIR). This chapter contains information on where interested parties could view the Draft EIS/EIR and documents the recipients who received a copy of the Draft EIS/EIR or a notice of its availability. For updated information on the Final EIS/EIR, please see Chapter 10.

### **7.1 Public Involvement**

Public involvement is an essential component of the environmental compliance process. The National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) require public participation during the preparation of EISs and EIRs. The following sections describe public involvement opportunities that have occurred or will occur for this EIS/EIR.

#### **7.1.1 Public Scoping**

In June 2010, the U.S. Department of the Interior (DOI) published a Notice of Intent in the Federal Register (Vol.75, No. 113, Monday, June 14, 2010) and the California Department of Fish and Game (CDFG) posted a Notice of Preparation with the State Clearinghouse (# 2010062060), announcing the preparation of an EIS/EIR and inviting the public to attend public meetings and submit comments on the project. The Lead Agencies held seven public scoping meetings in a variety of locations around the Klamath Basin. Written and verbal comments were accepted at each meeting. The Lead Agencies also accepted written comments through mail, e-mail, posted on the Web site, and fax, throughout the scoping period of June 14, 2010, through July 21, 2010. Approximately 270 written documents (letters, comment cards, e-mails) and 214 verbal statements were received and reviewed. A Scoping Report that summarizes all comments received through July 21, 2010, was published in September 2010 and is available on the project Web site (<http://klamathrestoration.gov/>).

#### **7.1.2 Public Hearings**

The Draft EIS/EIR was released to the public for 100 days of review and comment on Thursday, September 22, 2011. As noted above, a NOA was filed by DOI's Office of Environmental Policy and Compliance in the Federal Register (Federal Register Vol. 76,

No. 184, 58833) on Thursday, September 22, 2011, and an associated NOA was filed by the USEPA in the Federal Register (Federal Register Vol. 76, No. 190, 60822) on Friday September 30, 2011. A Notice of Completion (NOC) was also published in the State Clearinghouse (State Clearinghouse # 2010062060) on the same date, in accordance with CEQA.

During the comment period on the Draft EIS/EIR, the Lead Agencies held six public hearings in California and Oregon. Written and verbal comments were accepted at the public hearings and written comment was accepted throughout the comment period. After receiving numerous requests, the Lead Agencies extended the comment period to allow for additional review and comment. The comment period on the Draft EIS/EIR closed on December 30, 2011, and all comments received to that date have been included in this Final EIS/EIR.

Over 1,400 individual comment submittals were received on the Draft EIS/EIR, including written comments submitted during the comment period and verbal and written comments submitted at the public hearings. Comments were received from Federal, State, tribal, and local governments, private organizations, and members of the public. The comments were considered during the development of this Final EIS/EIR.

## 7.2 Agency Coordination

Development of this EIS/EIR has involved coordination with a variety of Federal, State, and local agencies. Table 7-1 provides a list of the participating agencies.

**Table 7-1. EIS/EIR Participating Agencies<sup>1</sup>**

<b>Federal Agency/Entity</b>	<b>State Agency/Entity</b>
<b>DOI – Lead Agency</b>	<b>CDFG – Lead Agency</b>
Bureau of Reclamation	State Water Resources Control Board
Bureau of Indian Affairs	North Coast Regional Water Quality Control Board
Bureau of Land Management	<b>State of Oregon</b>
U.S. Geological Survey	Oregon Department of Environmental Quality
National Park Service	Oregon Water Resources Department
U.S. Fish and Wildlife Service	Oregon Department of Fish and Wildlife
<b>U.S. Department of Commerce</b>	
National Oceanic and Atmospheric Administration, Fisheries Service	
<b>U.S. Department of Agriculture</b>	
U.S. Forest Service	
<b>U.S. Environmental Protection Agency</b>	

<sup>1</sup>Participating Agencies are the agencies who contributed to the preparation and review of this EIS/EIR.

Key:

DOI = U.S. Department of the Interior

CDFG = California Department of Fish and Game

EIS/EIR = Environmental Impact Statement/Environmental Impact Report

### 7.2.1 Cooperating Agencies

Cooperating Agencies are Tribes, Federal, State, and local governments (40 CFR Part 1501.6) which have the following:

- Jurisdiction by law, which means authority to approve, veto, or finance all or part of the proposal (40 CFR Part 1508.15); or
- Special expertise, for example, statutory responsibility, agency mission, or related program experience with respect to the proposal or reasonable alternatives (40 CFR Part 1508.26).

Agencies were invited by DOI to be Cooperating Agencies for this EIS/EIR. Table 7-2 presents the list of agencies who were invited as well as those who have accepted the invitation at the time of this document.

**Table 7-2. Cooperating Agencies**

Type of Agency	Agencies Invited by DOI	Agencies Who Accepted
Tribes	Hoopa Valley Tribe Karuk Tribe The Klamath Tribes Quartz Valley Community Resighini Rancheria Yurok Tribe	Hoopa Valley Tribe Karuk Tribe The Klamath Tribes Quartz Valley Community Resighini Rancheria Yurok Tribe
County and Local Governments	City of Yreka (CA) Curry County (OR) Del Norte County (CA) Humboldt County (CA) Jackson County (OR) Klamath County (OR) Modoc County (CA) Trinity County (CA) Siskiyou County (CA) Siskiyou County Air Pollution Control District (CA) Klamath Water and Power Agency (CA and OR)	Humboldt County (CA) Trinity County (CA) Klamath Water and Power Agency (CA and OR)
State of California Agencies	California State Water Resources Control Board North Coast Regional Water Quality Control Board California Coastal Commission California State Lands Commission North Coast Unified Air Quality Management District California Department of Water Resources Division of Safety of Dams	California State Water Resources Control Board North Coast Regional Water Quality Control Board
State of Oregon Agencies	Oregon Department of Environmental Quality Oregon Department of State Lands Oregon Department of Fish and Wildlife Oregon Water Resources Department	Oregon Department of Environmental Quality Oregon Department of State Lands Oregon Department of Fish and Wildlife

**Table 7-2. Cooperating Agencies**

Type of Agency	Agencies Invited by DOI	Agencies Who Accepted
		Oregon Water Resources Department
Federal Agencies	U.S. Environmental Protection Agency - Region 9 - Region 10 NOAA Fisheries Service (Southwest Region) U.S. Geological Survey U.S. Forest Service Bureau of Land Management Bureau of Indian Affairs - Pacific Region - Northwest Region U.S. Army Corps of Engineers U.S. Fish and Wildlife Service National Park Service (Pacific West Region) Klamath River Compact Commission	U.S. Environmental Protection Agency <sup>1</sup> NOAA Fisheries Service (Southwest Region) U.S. Geological Survey U.S. Forest Service Bureau of Land Management Bureau of Indian Affairs <sup>1</sup> U.S. Fish and Wildlife Service Klamath River Compact Commission

<sup>1</sup>Although more than one region has jurisdiction for the project area, both U.S. EPA Regions 9 and 10 and Bureau of Indian Affairs Pacific and Northwest Regions are each participating jointly as one Cooperating Agency.

Abbreviations:

NOAA = National Oceanic and Atmospheric Administration

Cooperating Agencies help to identify issues that need to be addressed in the EIS/EIR, arrange for data collection, analyze data, provide input on alternatives development, and evaluate the impacts of implementing the alternatives. The CEQA Lead Agency is not required to be a Cooperating Agency, and California State agencies do not have to become a Cooperating Agency to fulfill their responsibilities under CEQA.

The Cooperating Agencies participated in three meetings in 2010 and six meetings in 2011 as well as receiving several email updates to share information and provide input in the environmental compliance process, as described in Table 7-3.

**Table 7-3. Cooperating Agency Meeting Updates**

Date	Location
June, 2010	Ashland, OR
September, 2010	Conference Call
November, 2010	Conference Call
May 18, 2011	Conference Call
June 1, 2011	Conference Call
June 6, 2011	Conference Call
June 15, 2011	Conference Call
June 22, 2011	Conference Call
June 28, 2011	Redding, CA

In addition to these meetings, the Lead Agencies were assisted by the Yurok Tribe, North Coast Regional Water Quality Control Board (NCWQCB), Oregon Department of Environmental Quality (ODEQ), Oregon Department of Fish and Wildlife (ODFW), and Oregon Water Resources Department (OWRD) with technical and policy review of draft sections of the EIS/EIR.

Siskiyou County (CA) and Klamath County (OR) were invited to participate as Cooperating Agencies for this EIS/EIR; however, these entities have not made a formal commitment at the time of this document. The Lead Agencies have responded to multiple requests for meetings to discuss concerns regarding participation, as shown in Table 7-4.

**Table 7-4. Meetings with Potential Cooperating Agencies or Non-Government Groups**

<b>Date</b>	<b>Entity</b>	<b>Meeting Details</b>
April 1, 2010	Siskiyou County	Board of Supervisors Meeting, Yreka, CA
July 9, 2010	Klamath County	Board of Commissioners Special Meeting, Klamath Falls, OR
July 16, 2010	Hoopa Valley Tribe <sup>1</sup>	Tribal Council Chambers Informal Briefing, Hoopa, CA
September 3, 2010	Hoopa Valley Tribe <sup>1</sup>	Conference Call
September, 2010	Siskiyou County	Siskiyou County Assessor's Office - Mike Mallory
September, 2010	Siskiyou County	Siskiyou County Assessor's Office - Elizabeth Giacomelli
September, 2010	Private Group	Michele Duchi – Lake Shastina Real Estate Center
October, 2010	Siskiyou County	Siskiyou County Assessor's Office - Dan Weale
October, 2010	Siskiyou County	Siskiyou County Public Health & Community Development - Wendy Lucky
October, 2010	Siskiyou County	Siskiyou County Planning Department – Roland Hickel
October, 2010	Private Entity	Ray Singleton – Siskiyou County Broker/Appraiser
October, 2010	Private Entity	Kathy Hayden – Siskiyou County Agent
October, 2010	Private Group	Sharon Grace – Siskiyou County Association of Realtors
February 8, 2011	Siskiyou County	Board of Supervisors Meeting, Yreka, CA
March 3, 2011	Hoopa Valley Tribe <sup>1</sup>	Bureau of Land Management District Office, Medford, OR
October 20, 2011	Local Agency	Copco Fire Protection District, Montague, CA
December 1, 2011	Local Agency	Copco Fire Protection District, Yreka, CA
January 12, 2012	Siskiyou County	Siskiyou County Assessor's Office - Mike Mallory
February 9, 2012	Local Agency	Copco Fire Protection District, Montague, CA
February 15, 2012	Siskiyou County	Siskiyou County Assessor's Office - Mike Mallory
February 15, 2012	Siskiyou County	Briefing on Water Quality and Sediment – Commissioner Cook and Commissioner Kobseff
March 16, 2012	Private Group	Shasta Indian Nation Council – Chairman Roy Hall Jr.
April 10, 2012	Local Agency	Copco Fire Protection District, Montague, CA

<sup>1</sup> Hoopa Valley Tribe became a Cooperating Agency on March 30, 2011.

### **7.2.2 Reviewing Agencies**

The following California State agencies will review the EIS/EIR pursuant to CEQA (State Clearinghouse No. 2010062060):

- California Coastal Commission (CCC)
- California Air Resources Board (CARB)
- Department of Parks and Recreation (California State Parks)
- California Department of Water Resources (CDWR)
- Native American Heritage Commission (NAHC)
- California State Lands Commission (State Lands Commission)
- California Department of Transportation (Caltrans), Districts 1 and 2
- State Water Resources Control Board (SWRCB)
- Regional Water Quality Control Board, Regions 1 and 5
- Integrated Waste Management Board (IWMB)
- California Environmental Protection Agency (CalEPA)
- California Department of Boating and Waterways (CDBW)

### **7.3 Government-to-Government Consultation**

On September 16, 2010, the United States through the Bureau of Indian Affairs (BIA) formally requested government-to-government consultation with the six federally recognized Indian Tribes in the project area: The Klamath Tribes, Quartz Valley Indian Reservation, Karuk Tribe, Hoopa Valley Tribe, Resighini Rancheria, and the Yurok Tribe. Government-to-government consultation was for the Federal trustee to provide tribes with advance notice of an action contemplated and the potential concerns or impacts that may affect their trust resources, and to give the tribes an opportunity to provide input regarding potential concerns or impacts prior to announcing a decision to the public.

Each tribe defined its preferred methods of consultation, the frequency of interactions, and the topics to be discussed with regard to trust resources. The tribes have contributed information for the ongoing scientific studies; two reports on Indian Trust Assets have been produced by BIA for analysis in the EIS/EIR. Tribes have been provided the opportunity to comment on the cultural resources technical report and the Draft EIS/EIR. Tribes acting as Cooperating Agencies for the project have attended the Cooperating Agency meetings and conference calls and have been provided the opportunity to review and comment on the EIS/EIR prior to its release to the public.

Government-to-government consultations were also initiated under Section 106 of the National Historic Preservation Act (NHPA) and Federal Endangered Species Act (ESA), see discussion below. These meetings allowed tribes an opportunity to provide input on the ESA process and content of the draft Biological Opinion (BO), as well as, an opportunity to identify concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural

importance, articulate views on potential effects on such properties, and participate in the potential resolution of adverse effects. The six federally recognized Indian Tribes in the project area have been invited to be consulting parties under 36 CFR Part 800. Government-to-government meetings for Section 106 of the NHPA and ESA were held with the Karuk Tribe on December 6, 2011; the Quartz Valley Community on January 9, 2012; the Hoopa Valley Tribe on January 10, 2012; the Yurok Tribe on January 11, 2012; the Resighini Rancheria on January 11, 2012; and the Klamath Tribes on March 7, 2012. A follow-up workshop on ESA was held for Yurok, Karuk, Resighini, and Hoopa Tribes on February 2, 2012 and Quartz Valley Community on February 13, 2012 as well as for the Hoopa Valley Tribe on March 8, 2012. Tribal consultation is ongoing.

While government-to-government consultation is ongoing, Table 7-5 presents a summary of consultations and their subject matter that occurred prior to the release of the Draft EIS/EIR.

**Table 7-5. Tribal Consultations**

<b>Discussion on the Impacts to ITAs of the Current Operations</b>	
September 28, 2010	Yurok Tribe
September 29, 2010	Resighini Rancheria and Karuk Tribe
September 30, 2010	Quartz Valley Community
October 4, 2010	The Klamath Tribes
November 8, 2010	Hoopa Valley Tribe
<b>Discussion on the Impacts to ITAs of the Alternatives/Comments on the Background Ethnographic Technical Report</b>	
January 24, 2011	The Klamath Tribes
January 25, 2011	Hoopa Valley Tribe and the Resighini Rancheria
January 26, 2011	Yurok Tribal Council
January 27, 2011	Karuk Tribe and Quartz Valley Community
April 4, 2011	The Klamath Tribes
April 5, 2011	Karuk Tribe
April 7, 2011	Resighini Rancheria
<b>Other Tribal Consultations</b>	
April 14, 2011	Hoopa Valley Tribe
May 2, 2011	Hoopa Valley Tribe
<b>Discussion on Section 106 of the NHPA and ESA</b>	
December 6, 2011	Karuk Tribe
January 9, 2012	Quartz Valley Community
January 10, 2012	Hoopa Valley Tribe
January 11, 2012	Yurok Tribe and Resighini Rancheria
March 7, 2012	The Klamath Tribe
<b>Follow-up Discussion on ESA</b>	
February 2, 2012	Yurok, Karuk, Resighini, and Hoopa Tribes
February 13, 2012	Quartz Valley Community
March 7, 2012	Hoopa Valley Tribe (ESA only)

## 7.4 Non-Government Organization Coordination

The Lead Agencies have encouraged participation of non-government organizations during the environmental review process. DOI has granted the Shasta Nation and the Shasta Indian Nation consulting party status for the Section 106 process pursuant to 36 CFR §§ 800.2(c)(5), 800.3(f). DOI has consulted with, and will continue to consult with, the Shasta Indian Nation through the Section 106 process, which is described below and in Chapter 3.13, Cultural and Historic Resources.

In addition, through [KlamathRestoration.gov](http://klamathrestoration.gov) and the public engagement plan for the Secretarial Determination, DOI invites organizations and groups to request briefings about the project. See <http://klamathrestoration.gov/keep-me-informed>.

### 7.4.1 Stakeholder Briefings and Technical Workshops

Throughout development of the EIS/EIR and Secretarial Determination scientific studies, the Lead Agencies have held periodic stakeholder briefings and technical workshops that were open to the public. The purpose of the workshops was to gather input, ideas, and information from individual participants for use by the Lead Agencies, and to provide updates on progress, findings, and future plans. Advance notice of briefings and technical workshops was provided on the project Web site, where meeting materials, if applicable, were also posted. Table 7-6 presents a list of the stakeholder briefings and technical workshops that occurred prior to release of the Draft EIS/EIR.

**Table 7-6. Stakeholder Briefings and Technical Workshops**

Meeting	Date	Location
Stakeholder/Public Workshop	September 28, 2010	Klamath Falls, OR
Stakeholder/Public Workshop	May 6, 2010	Mt. Shasta, CA
Public Information Meeting on Secretarial Determination Science Studies and Technical Report	September 29, 2010	Eureka, CA
Stakeholder/Public Informational Workshop on Water Quality Issues	October 5, 2010	Klamath Falls, OR
Stakeholder/Public Informational Workshop about the fall Chinook salmon production model	October 13, 2010	Yreka, CA
Public Information Meeting on Secretarial Determination Science Studies and Technical Reports	December 9, 2010	Montague, CA (Copco Lake) and Yreka, CA
Public Information Meeting on Secretarial Determination	March 16, 2011	Klamath Falls, OR
Public Information Meeting on Secretarial Determination	June 15, 2011	Orleans, CA

The Lead Agencies presented these briefings for interest groups, affected community members, or others as requested. Information presented at briefings for interested stakeholders is posted on the project Web site.

### **7.4.2 Briefings on Request**

The Klamath Hydroelectric Settlement Agreement (KHSA) created a Technical Coordination Committee (TCC) of non-Federal parties to the KHSA. Appendix A of the KHSA describes the process used by the TCC for meetings and conference calls. At the request of the TCC, Federal team members working on the Secretarial Determination have been invited to provide periodic updates on the process. Several TCC meetings took place in 2010 and 2011. Meeting dates include:

- July 21, 2010
- Sept 9, 2010
- October 6, 2010
- December 14, 2010
- February 23, 2011
- April 6, 2011
- June 16, 2011
- September 8, 2011

The Lead Agencies are prepared to present briefings to interest groups, communities surrounding the project area, local governments, or others as requested and as resources have permitted.

## **7.5 Endangered Species Act Consultation**

The ESA provides for the conservation of federally endangered and threatened species and the ecosystems upon which they depend. Section 7 of the ESA requires Federal agencies to aid in the conservation of listed species and to ensure that the activities of Federal agencies do not jeopardize the continued existence of listed species or adversely modify designated critical habitat. The United States Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries Service) are responsible for administration of the ESA. On January 26, 2011, the DOI notified the USFWS and the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service that, on behalf of the DOI, the Bureau of Reclamation (Reclamation) would be developing a BA in accordance with the ESA to determine if the Proposed Action may adversely affect listed species and/or their critical habitat. From late January to early October, Reclamation informally consulted with NOAA Fisheries Service and USFWS during preparation of the Biological Assessment (BA), including requests for species lists and confirmations, breadth of analysis, topics to be analyzed, and refinement of the action description for consultation. On October 10, 2011, Reclamation transmitted the BO to the USFWS and NOAA Fisheries Service initiating formal consultation under Section 7(a)(2) of the ESA, on the proposed removal of Four Facilities on the Klamath River and the modeled hydrology. No Project actions will be implemented until Reclamation, on behalf of DOI, receives the BO from the Services. In addition, compliance with the California ESA (CESA) may be necessary, depending upon the Dam Removal Entity (DRE).

## **7.6 Consultation under the Magnuson-Stevens Act**

The Magnuson-Stevens Fishery Conservation and Management Act established a management system for national marine and estuarine fishery resources. Pursuant to Section 305(b)(2), all Federal agencies are required to consult with NOAA Fisheries Service regarding any action permitted, funded, or undertaken that may adversely affect essential fish habitat. Effects on habitat managed under any relevant Fishery Management Plans must also be considered. This act pertains primarily to habitat used by species caught in commercial fisheries, which may include habitats in the ocean, estuary and river. DOI is consulting with NOAA Fisheries Service on the effects of the preferred alternative on essential fish habitat. This consultation has occurred in parallel with the ESA consultation (Section 7.5).

## **7.7 Consultation Pursuant to Section 106 of the NHPA**

The NHPA is the primary Federal legislation governing preservation of cultural and historical resources in the United States. The NHPA established a national historic preservation program which encourages the identification and protection of cultural and historic resources. Section 106 of the NHPA is a provision that requires Federal agencies to take into account the effects of their undertakings on historic properties and they must afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment with regard to the undertaking. Section 106 is implemented by regulations found at 36 CFR Part 800 that guide the consultation process. DOI has elected to integrate compliance with Section 106 of the NHPA through the NEPA process as allowed under 36 CFR Part 800.8(c). DOI has notified the Advisory Council, the California and Oregon State Historical Preservation Office's (SHPO), the federally recognized Indian Tribes identified above, and the two Indian organizations. Consulting parties include Federal agencies involved in the undertaking; the ACHP; SHPO; federally recognized Indian Tribes; local governments; and individuals with a demonstrated interest in the undertaking (including non-federally recognized tribal organizations and members of the public).

On November 23, 2010, DOI, through Reclamation initiated formal Section 106 consultation with California and Oregon SHPOs describing DOI's proposal to remove the four PacifiCorp dams. On June 20, 2011, DOI contacted the California and Oregon SHPOs to discuss DOI's intention of using the NEPA process to comply with the requirements of Section 106 of the NHPA, and sent an official notification letter to the California and Oregon SHPOs on June 23, 2011. DOI also sent the California and Oregon SHPOs a copy of the Cooperating Agency Draft of the cultural resources sections of the Draft EIS/EIR and the draft technical cultural resources report for their internal review.

On March 29, 2011, DOI sought the advice of the ACHP regarding how to comply with Section 106 of the NHPA for the decisionmaking process to evaluate the proposal to remove the four PacifiCorp dams in the Klamath Basin. DOI had a second conversation

with the ACHP to outline an approach to comply with Section 106 of the NHPA on April 8, 2011. On June 24, 2011, DOI officially notified the ACHP of its intention to use the NEPA process to comply with the requirements of Section 106 of the NHPA. In that letter, DOI requested that the ACHP formally participate in the Section 106 consultation process due to the complexities of the Proposed Action which may lead to important questions of policy or interpretation of the NHPA Section 106 regulations and the unique relationships with Indian Tribes which may present issues of concern to those tribes.

On October 19, 2010, the Reclamation sent a letter to the federally recognized Tribes and two non-federally recognized Indian organizations with demonstrated interests in the project area for the KHSA and EIS/EIR initiating Section 106 of the NHPA, and in particular, seeking information regarding traditional cultural properties within the area potentially affected by the proposed removal of the four PacifiCorp dams. Opportunities to comment on historic properties have also been provided during the public scoping and technical meetings, during government-to-government meetings and through other contacts, and during public reviews of the document.

On June 15, 2011, DOI hosted a conference call with the Cooperating Agencies, which includes all of the federally recognized Tribes, to discuss the cultural and tribal resources sections of the Draft EIS/EIR and the draft technical cultural resources report, and to describe DOI's approach to meeting the requirements of Section 106 of the NHPA. During this meeting, DOI answered general questions about the content of cultural and tribal resources sections of the Cooperating Agency Draft of the Draft EIS/EIR and about DOI's Section 106 process. On June 24, 2011, DOI sent an official letter notifying the federally recognized Tribes and two non-federally recognized Indian organizations of its intention to use the NEPA process to comply with the requirements of Section 106 of the NHPA. Tribal consultation for Section 106 was initiated via letters dated October 19, 2010, and June 23, 2011, and continued throughout the NEPA process through correspondence, meetings, government-to-government meetings, emails, and telephone calls. Additional meetings and calls to coordinate on Section 106 were held included: two meetings with California State Historic Preservation Office (SHPO) on February 14, 2012 and March 6, 2012; one meeting with Oregon SHPO on February 28, 2012; one meeting with California and Oregon SHPOs on June 20, 2012; one meeting with the ACHP on March 29, 2012, two meetings with Shasta Indian Nation, a Native American Organization Tribal, on February 9, 2012 (with Copco Fire Protection Agency) and on March 16, 2012; one meeting with the Karuk and Yurok Tribal Historic Preservation Officers, California and Oregon SHPOs, and ACHP on February 21, 2012; and one meeting where all interested parties involved in the Section 106 were invited to attend on June 26, 2012.

Government-to-government meetings were held with the Karuk Tribe on December 6, 2011; the Quartz Valley Community on January 9, 2012; the Hoopa Valley Tribe on January 10, 2012; the Yurok Tribe on January 11, 2012; the Resighini Rancheria on January 11, 2012; and the Klamath Tribes on March 7, 2012 and consultation is ongoing

The Section 106 consultation process among DOI, the California and Oregon SHPOs, the federally recognized Tribes and two non-federally recognized Indian organizations, and any other interested parties will be on-going throughout the EIS/EIR process. The consultation effort with all consulting parties will meet the standards set forth in 36 CFR § 800.8(c)(1)-(4), including additional opportunities to comment on the identification of historic properties, the assessment of effects on such properties, and develop proposed measures that might avoid, minimize, or mitigate any adverse effects on historic properties.

## **7.8 Environmental Justice – Executive Order 12898**

The 1994 Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Population*, requires all Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of programs on minority and low-income populations (United States Environmental Protection Agency, 1994).

As noted in Section 7.3, the Lead Agencies have initiated government-to-government consultation with Tribes that may be affected by the project, and have invited all six federally recognized Tribes in the basin to act as Cooperating Agencies for the EIS/EIR. The Lead Agencies held scoping meetings and Draft EIS/EIR hearings for the project at the Karuk Tribe Community Room in Orleans, California, and the Chiloquin Community Center, in Chiloquin, Oregon. Also a Draft EIS/EIR hearing was held at the Yurok Tribe Headquarters in Klamath, California. The Tribes had the opportunity to comment on the Draft EIS/EIR and participate in additional public meetings associated with the release of the Draft EIS/EIR. Upon the Tribes’ request, the Lead Agencies held many separate meetings and calls with Tribes during the preparation of the EIS/EIR to address concerns, to receive input and to share information from tribal agencies and program personnel. Information exchange occurred frequently on technical aspects of flows, biological impacts, water quality, economic impacts, dam deconstruction design, sediment transport and cultural resource protection.

In addition to consultation with the Tribes, the Lead Agencies made efforts to reach other low income or minority communities. These efforts included mailed notifications to property owners along the river and the placement of documents and other information in libraries and on the public Web site. The Lead Agencies held seven public scoping meetings in July 2010 and Draft EIS/EIR meetings in September 2011 throughout the Klamath Basin. Notifications for these meeting were posted on the Web site and in area newspapers. Agency members were available for media interviews during this process.

Section 3.16, Environmental Justice, of this EIS/EIR provides further discussion on Environmental Justice issues.

## 7.9 Document Availability

This Draft EIS/EIR was made available for review and comment for 100 days with the filing of the Notice of Availability of the EIS on September 22, 2011, with the U.S. Environmental Protection Agency (USEPA) and the Notice of Completion of the EIR with the California State Clearinghouse. The purpose for public review of the Draft EIS/EIR is to receive comments from interested parties on its completeness and adequacy in disclosing the environmental effects of the proposed project. Following the close of the Draft EIS/EIR public review period, the Lead Agencies will prepare and publish a second document containing comments received on the Draft EIS/EIR and responses to the significant environmental points raised in those comments. Together, the Draft EIS/EIR and the responses to comments as well as any changes to the EIS/EIR made in light of comments received constitute a Final EIS/EIR. The DOI is responsible for adopting the EIS as adequate in compliance with the NEPA and CDFG is responsible for certifying that the Final EIR. After the Final EIS/EIR is complete, the Secretary will consider the EIS/EIR among other information when making his decision whether removal of the dams will facilitate fish recovery and is in the best interest of the people of the United States. DOI will complete a record of decision according to NEPA. In the event of an Affirmative Determination, the States of California and Oregon will consider the EIS/EIR when determining if they concur with the Affirmative Determination. The States of California and Oregon will have 60 days after an Affirmative Secretarial Determination to concur with that determination.

Hard copies of this document are available to view at the libraries and Federal and State Agency offices in the Klamath Basin. An electronic version of the document can be viewed on the project Web site listed in Section 7.9.2. Hard copies are also available for purchase, at the expense of the requestor, online via the project Web site listed in Section 7.9.2. To request an electronic copy on CD of the Draft EIS/EIR (accompanied by a hard copy of the Executive Summary), please contact representatives<sup>1</sup> of the Lead Agencies as follows:

**Elizabeth Vasquez**  
Bureau of Reclamation  
2800 Cottage Way  
Sacramento, CA 95825  
**Email:** [klamathsd@usbr.gov](mailto:klamathsd@usbr.gov)  
**Fax:** (916) 978-5055

**Gordon Leppig**  
California Department of Fish and Game  
619 Second Street  
Eureka, CA 95501  
**Email:** [ksdcomments@dfg.ca.gov](mailto:ksdcomments@dfg.ca.gov)  
**Fax:** (707) 441-2021

### 7.9.1 Libraries and Federal and State Agencies

Hard copies of the Draft EIS/EIR are available for public viewing at the libraries and Federal and State Agencies as presented in Table 7-7 and Table 7-8.

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<sup>1</sup> Contact information was current as of the fall of 2011. For current project and contact information see [www.klamathrestoration.gov](http://www.klamathrestoration.gov).

**Table 7-7. Libraries with Draft EIS/EIR Available**

State	County	Library	Address
Oregon	Klamath	Main Library	126 South 3 <sup>rd</sup> Street, Klamath Falls, OR 97601
		Chiloquin Branch Library	140 South 1 <sup>st</sup> Street, Chiloquin, OR 97264
		Keno Branch Library	15555 Hwy 66 Unit 8, Keno, OR 97627
		Merrill Branch Library	365 Front Street, Merrill, OR 97633
		South Suburban Branch Library	3706 South 6 <sup>th</sup> Street, Klamath Falls, OR 97603
		Sprague River Branch Library	23402 Sprague River Hwy, Sprague River, OR 97639
	Bonanza Branch Library	31703 Hwy 70, Bonanza, OR 97623	
	Jackson	Ashland Branch Library	410 Siskiyou Boulevard, Ashland, OR 97520
Medford Branch Library		205 S. Central Avenue, Medford, OR 97501	
California	Siskiyou	Yreka Branch Library	719 4 <sup>th</sup> Street, Yreka, CA 96097
		Butte Valley Branch Library	800 West 3 <sup>rd</sup> Street, Dorris, CA 96023
		Etna Branch Library	130 Main Street, Etna, CA 96027
		Happy Camp Branch Library	143 Buckhorn Road, Happy Camp, CA 96039
		Montague Branch Library	230 South 13 <sup>th</sup> Street, Montague, CA 96064
		Mt. Shasta Branch Library	515 East Alma St., Mt Shasta, CA 96067
		Tulelake Branch Library	451 Main St, Tulelake, CA 96134
		Fort Jones Branch Library	11960 East Street, PO Box 632, Fort Jones, CA 96032
		Dunsmuir Branch Library	5714 Dunsmuir Avenue, Dunsmuir, CA 96025
		Weed Branch Library	780 South Davis Avenue, Weed, CA 96094
		Scott Bar Branch Library	Post Office, Scott Bar, CA 96032
		Del Norte	Main Branch
	Humboldt	Kim Yerton Memorial Library	Intersection of Loop Road and Orchard Street, Hoopa, CA 95546
		Willow Creek Branch Library	Intersection of Hwy 299 and Hwy 96, Willow Creek, CA 95573
		Arcata Branch Library	500 7 <sup>th</sup> Street, Arcata, CA 95521
		Eureka Branch Library	1313 3 <sup>rd</sup> Street, Eureka, CA 95501

**Table 7-8. Federal and State Agencies with Draft EIS/EIR Available**

	Agency	Address
Federal Agencies	Bureau of Reclamation	6600 Washburn Way, Klamath Falls OR 97603-9365
	U.S. Fish and Wildlife Service	1936 California Avenue, Klamath Falls, Oregon 97601
		1655 Heindon Road, Arcata, CA 95521-5582
		4009 Hill Road, Tulelake, CA. 96134
		1829 S. Oregon Street, Yreka, CA 96037
	U.S. Forest Service	1312 Fairlane Road, Yreka, CA. 96097
		63822 Highway 96, Happy Camp, CA 96039
	Bureau of Land Management	2795 Anderson Avenue, Bldg. #25, Klamath Falls, OR 97603
1695 Heindon Road, Arcata, CA 95521-4573		
State Agencies	California Department of Fish and Game	619 Second Street, Eureka, CA 95501
		601 Locust Street, Redding, CA 96001
		1625 South Main Street, Yreka, CA 96097

## 7.9.2 Web Site

An electronic version of this Draft EIS/EIR is available on the project Web site:  
<http://klamathrestoration.gov/>.

## 7.10 Distribution List

Elected officials and representatives, government agencies, private organizations, businesses, and individual members of the public have received a copy of this Draft EIS/EIR or a notification of document availability. This section presents the distribution list of the Draft EIS/EIR.

### 7.10.1 Elected Officials, Representatives and Government Agencies

Table 7-9 presents the elected officials, representatives and government agencies that have received a copy of this Draft EIS/EIR or a notification of document availability.

**Table 7-9. EIS/EIR Distribution List**

<b>Elected Officials and Representatives</b>		
Federal	United States Senate	Barbara Boxer, CA
		Diane Feinstein, CA
		Jeff Merkley, OR
		Ron Wyden, OR
	House of Representatives	Michael Thompson, 1 <sup>st</sup> District, CA
		Walter Herger, 2 <sup>nd</sup> District, CA
		David Wu, 1 <sup>st</sup> District, OR
		Greg Walden, 2 <sup>nd</sup> District, OR
California	Governor	Jerry Brown
	Senate	Doug LaMalfa, 4 <sup>th</sup> District
		Ted Gaines, 1 <sup>st</sup> District
		Noreen Evans, 2 <sup>nd</sup> District
	Assembly	Wesley Chesbro, 1 <sup>st</sup> District
		Jim Neilson, 2 <sup>nd</sup> District
Oregon	Governor	John Kitzhaber
	Senate	Jeff Kruse, 1 <sup>st</sup> District
		Jason Atkinson, 2 <sup>nd</sup> District
		Alan Bates, 3 <sup>rd</sup> District
		Doug Whitsett, 28 <sup>th</sup> District
	House of Representatives	Wayne Krieger, 1 <sup>st</sup> District
		Wally Hicks, 3 <sup>rd</sup> District
		Peter Buckley, 5 <sup>th</sup> District
		Bill Garrard, 56 <sup>th</sup> District

**Table 7-9. EIS/EIR Distribution List**

<b>Government Agencies</b>		
Federal	U.S. Army Corps of Engineers	
	National Oceanic and Atmospheric Administration	
	Environmental Protection Agency	
	U.S. Forest Service	
	Klamath River Compact Commission	
Tribes	Hoopa Valley Tribe	
	Karuk Tribe	
	The Klamath Tribes	
	Quartz Valley Community	
	Resighini Rancheria	
	Yurok Tribe	
	Shasta Indian Nation	
	Shasta Nation	
State	California	California Coastal Commission
		California Air Resources Board
		California Department of Boating and Waterways
		California Department of Forestry and Fire Protection
		California Department of Toxic Substances Control
		California Department of Transportation
		California Department of Water Resources
		California Energy Commission
		California Native American Heritage Commission
		California Public Utilities Commission
		State Water Resources Control Board
		California State Lands Commission
		California State Office of Historic Preservation
		California Department of Parks and Recreation
		California Department of Conservation
	California Department of Food and Agriculture	
	Oregon	Oregon Department of Fish and Wildlife
		Oregon Water Resources Department
		Oregon Department of Environmental Quality
		Oregon Division of State Lands
County	California	Del Norte County
		Humboldt County
		Mendocino County
		Modoc County
		Siskiyou County
	Oregon	Curry County
		Jackson County
		Klamath County

**Table 7-9. EIS/EIR Distribution List**

City	California	Arcata
		Crescent City
		Eureka
		Montague
		Mount Shasta
		Weed
		Yreka
	Oregon	Ashland
		Brookings
		Klamath Falls
		Medford

### **7.10.2 Businesses, Organizations, and Individual Members of the Public**

The Lead Agencies continue to update an extensive project mailing list with over 4,000 businesses, organizations, and property owners along the Klamath River, and members of the public. Those who have attended meetings, provided comments, or expressed an interest in the project have been added to the mailing list. All individuals on the mailing list have received either a copy of the Draft EIS/EIR or notification of its release. The mailing list will continue to be updated throughout the project.

## **7.11 References**

U.S. Environmental Protection Agency (USEPA). 1994. Executive Order No. 12898, 59 CFR Part 7629, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. Available at:  
[http://www.epa.gov/environmentaljustice/resources/policy/exec\\_order\\_12898.pdf](http://www.epa.gov/environmentaljustice/resources/policy/exec_order_12898.pdf).