



Water Boards

Frequently Asked Questions Decommissioning Dams on the Klamath River (Lower Klamath Project)

The Klamath River Renewal Corporation (KRRRC), a nonprofit organization, has filed an application for water quality certification with the State Water Resources Control Board (State Water Board) for the [Lower Klamath Project](#) (FERC Project No. 14803). The Lower Klamath Project entails the decommissioning and removal of four dams (J.C. Boyle, Copco No. 2, Copco No. 1, and Iron Gate) and associated facilities under the [amended Klamath Hydroelectric Settlement Agreement \(KHSA\)](#). The four dams are located on the Klamath River in Oregon and California (three dams in California and one dam in Oregon). Dam decommissioning and removal would require a license surrender order from the Federal Energy Regulatory Commission (FERC), which triggers the need for state water quality certification. The State Water Board's regulatory role is limited to water quality certification (certification), which establishes whether a project can meet water quality standards, and imposes any necessary conditions to protect water quality. The conditions of a water quality certification are included in a FERC license.

Why is removal of the dams being proposed?

The KRRRC proposes to remove the dams to create a free-flowing Klamath River and provide for unaided fish passage in the Klamath River. Proponents of the dams' removal point out that the dams block fish passage, which results in impacts to commercial, recreational, and subsistence fishing, as well as impacts to tribal cultures. They also point to the dams' contributions to poor water quality, which in addition to fisheries-related impacts, affect activities such as tribal ceremonies, and recreation. The existing dams alter river flow and contribute to water quality problems, including toxic algal blooms, low dissolved oxygen, and higher water temperatures. The dams also contribute to fish disease in the lower reaches of the Klamath River. The project, if approved and implemented, will revert the Klamath River to its more natural riverine conditions resulting in improved water quality and a more natural temperature regime. Free-flowing riverine conditions and improved water quality will benefit anadromous fish populations by increasing access to historical habitat, restoring mainstem and tributary habitat, and improving biological and physical factors that heavily influence fish populations (e.g., flow conditions, sediment and bedload transport, water quality, fish disease, toxic algal blooms, and water temperature).



Why did State Water Board staff release a draft water quality certification? Owners of hydroelectric facilities must apply to FERC for a permit to decommission and/or remove a dam. FERC is required to include any state water quality certification conditions as part of that license change. The State Water Board is the water quality certification agency whenever there is an application before FERC for a license change for a hydroelectric facility in California.

The State Water Board released a draft water quality certification in early June 2018, even though refinements to the Lower Klamath Project are expected in the near future. State Water Board staff determined that early, focused feedback on potential water quality protection measures would benefit the certification process. Additionally, because the Lower Klamath Project includes removal of dams in both California and Oregon, and [Oregon's draft water quality certification](#) was released on May 23, 2018, the State Water Board wanted to ensure that interested parties had an opportunity to review the proposed water quality conditions in their entirety. Given the high level of public interest in the project, State Water Board staff determined that releasing draft conditions and requesting broad public feedback at this point would be beneficial.

What can change between a draft and final certification?

Comments from the applicant, agencies, and the public on the draft certification will be reviewed and considered in preparing the final certification. Similarly, the Board is currently developing an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) (See the [Notice of Preparation](#) for more information). The CEQA process, as well as FERC's National Environmental Policy Act documentation, may inform modifications to the draft conditions. It is also expected that the KRRC will submit additional information to FERC in the coming weeks and months. This information may contain changes to aspects of the proposed dam removal project which could influence water quality. Any updated information from the applicant will be incorporated into the final certification. Additionally, the final water quality certification will include more information discussing the reasoning behind the decision.

What will the State Water Board consider in the CEQA Environmental Impact Report?

The EIR will look at potential impacts associated with the proposed Lower Klamath Project and measures that may be implemented to avoid, minimize, and mitigate for impacts. During the CEQA scoping process, the State Water Board received a broad range of comments supporting dam removal and its restoration benefits, and opposing dam removal and identifying concerns. Some commenters identified concerns about potential impacts of the project beyond water quality, which included uncertainty about the benefits of dam removal, loss of property values, fire safety, and exposure of submerged tribal cultural resources. For more information, please see the State Water Board's [Scoping Report](#). While the State Water Board's water quality certification will focus on water quality protection, the EIR will disclose and analyze impacts and mitigation measures for a range of environmental resource areas, including biological resources, greenhouse gas emissions, cultural resources, hydrology and

water quality, air quality, and transportation/traffic. The EIR will also consider alternatives that have potential to achieve the same goals but lessen the environmental impacts. It will also analyze a “no project” alternative that will look at the impact of project denial. The draft EIR is anticipated to be released for public review in Fall 2018.

Dam removal has the potential to make significant improvements in the Klamath River’s water quality and its fish populations, but also has the potential to cause impacts from sediment release. How does the State Water Board evaluate a large-scale restoration project that will have short-term impacts?

One of the Clean Water Act’s primary objectives is to restore waters that are impaired chemically, physically or biologically. Large-scale restoration projects necessary to restore natural river function can involve significant waste discharges, especially of sediments. Thus, achieving the underlying goals of the Clean Water Act can include temporary impacts.

The State Water Board will require that any short-term impacts are reduced or avoided to the extent possible. The draft water quality certification includes measures to reduce the impact of sediment releases by imposing timing conditions for the initial sediment release, restoration to stabilize exposed soils, fisheries monitoring and protection, and protection of beneficial uses downstream. Active monitoring will also be required during and after facilities removal, and the KRRC will be required to undertake additional measures if monitoring indicates it is necessary.

Does the draft certification address protecting the City of Yreka’s water supply?

Yes. The KRRC proposes replacement of the portion of the City of Yreka’s water supply pipeline that will be affected by the project. The draft certification includes requirements to ensure the pipeline replacement is conducted in a manner that prevents impacts to the City of Yreka’s potable water deliveries, and requires completion of the pipeline replacement prior to drawdown of the reservoirs.

What is the connection between the Klamath Hydroelectric Project and the Lower Klamath Project?

The Lower Klamath Project is currently owned and operated by PacifiCorp and includes four dams (J.C. Boyle in Oregon; and Copco No. 1, Copco No. 2, and Iron Gate in California). These four dams are the subject of an application before FERC to decommission and remove the dams in accordance with the KHSR, and were originally part of the larger Klamath Hydroelectric Project, which is also owned and operated by PacifiCorp. FERC amended PacifiCorp’s Klamath Hydroelectric Project license to transfer the four dams from the Klamath Hydroelectric Project to the Lower Klamath Project on March 15, 2018.

What is the Klamath River Renewal Corporation and what is its role?

The KRRC is a nonprofit organization formed to take ownership of the four dams and apply to FERC to decommission and remove them. The KRRC was formed to implement the KHSA, which was executed by PacifiCorp, United States Department of Interior, United States National Marine Fisheries Service, the states of California and Oregon, tribes, and environmental, fishing, and irrigation groups. The KHSA establishes a process for removal of the four dams and associated facilities through the FERC process and for operation of the facilities until they are removed. PacifiCorp and the KRRC have requested that FERC transfer ownership of the Lower Klamath Project to KRRC.

Is the State Water Board part of the Klamath Hydroelectric Settlement Agreement?

No. While the State Water Board supports improving water quality in the Klamath River watershed, the State Water Board is not a party to the KHSA. The California Natural Resources Agency and the California Department of Fish and Wildlife signed onto the KHSA as state of California representatives. But the participation of those state agencies in the KHSA does not affect the State Water Board's independent decisions or authority. The State Water Board frequently makes regulatory determinations for projects supported by various state agencies. The role of the State Water Board is to evaluate the application for a water quality certification and issue appropriate conditions to address water quality issues that may result from the proposed project.

What happens next?

State Water Board staff released the draft water quality certification in June 2018, followed by a 45-day comment period. The State Water Board anticipates releasing a draft EIR for public comment in Fall 2018. State Water Board staff will consider comments on the draft water quality certification and EIR and will incorporate them as appropriate in the final documents. It is anticipated the final documents will be complete and available for consideration by the State Water Board's Executive Director in Summer 2019.

How can I learn more, and stay informed about the Lower Klamath Project?

You can visit the State Water Board's Lower Klamath Project [website](#) for more detailed information on the topic. If you would like to receive future announcements about Lower Klamath Project related matters, you can subscribe to the State Water Board's "Lower Klamath Project License Surrender" email list under "Water Rights" online at:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml

Alternatively, you may contact Ms. Michelle Siebal to be placed on the State Water Board's hard copy mailing list. Ms. Michelle Siebal may be contacted by email at:

michelle.siebal@waterboards.ca.gov or by phone at: (916) 322-8465.

How can I comment on the draft water quality certification and EIR?
Comments on the draft water quality certification are due **no later than 12:00 pm (noon) on Monday, July 23, 2018**. Comments may be submitted by:

Email:

WR401Program@waterboards.ca.gov

or

Mail:

Ms. Michelle Siebal
State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
P.O. Box 2000
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Once the draft EIR is released, this FAQ document will be updated with information on how to comment on the draft EIR.

(This fact sheet was last updated on June 7, 2018)