

**From:** [Loy Beardsmore](#)  
**To:** [Wr401program](#); [Thaler.Parker@Waterboards](mailto:Thaler.Parker@Waterboards)  
**Subject:** Comments on Draft EIR-Lower Klamath Project License Surrender  
**Date:** Saturday, February 23, 2019 9:00:11 PM  
**Attachments:** [DRAFT EIR SWRCB.docx](#)

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Dear Ms. Siebal and Mr. Thaler,

Please see our attached comments and submit them into the record.

Thank you,  
Loy and John Beardsmore

Ms. Michelle Siebal  
State Water Resources Control Board  
Division Of Water Rights-Water Quality Certification Program  
P.O.Box 2000  
Sacramento, CA 95812-2000

Dear Ms. Siebal,

We believe that the SWRCB's Draft EIR is grossly deficient and should be redone due to many factors, such as incomplete/omitted/obsolete data within the studies, and the report is based on biased studies and opinions skewed towards dam removal without adequately exploring other alternatives. Much of the DEIR, like the KRRC's Definite Plan, is based on the 2012 Detailed Plan, and is a cut-and-paste document with outdated, as well as, inaccurate information. After reading through what the KRRC calls their "Definite Plan" we find it to be far from definite! They have taken much of the 2012 USBR Detailed Plan and pasted it into their own document. The SWRCB has done the same. We are not alone with that line of thinking as FERC has said the same to the KRRC asking for more specifics, studies, etc. The KRRC claims they will perform various mitigation measures where significant impacts occur, **IF** it can be shown to be a result of the project, but there is **no direct accountability, and no certainty that the funding necessary for mitigation will be there**. The KRRC, as well as the SWRCB's data/plans, are filled with errors, incorrect facts, lacking information, and they are grossly deficient in specificity. The Water Board has not concluded enough **new** studies to make the DEIR more definitive and specific. They are also ignoring pertinent studies, both past and current, that refute their science. They lack local information, or don't want to make the effort to seek it. Parts of the report, that didn't meet their needs, were ignored and left out.

The Proposed Project and the DEIR is based entirely upon the Definite Plan submitted last year which FERC has requested a revision. How can the SWRCB present its EIR based on a document that is being revised since the original plan was considered lacking in technical adequacy? Since the Definite Plan is inadequate, by definition, the SWRCB's EIR is inadequate.

Groundwater and wells.

There are many sections of the Definite Plan that refer to future studies in the project impact areas. Again, one of these are the Groundwater wells. The data in the Groundwater section of the DEIR is inadequate. We could ascertain that a minimum of 4 wells around Copco 1 were **NOT** studied in the BOR report in 2012, nor were any studies done since. The Water Board has performed a "cut and paste" exercise, similar to what the KRRC has done, rather than perform new studies or collect available data.

The KRRC has not obtained their stated number of sentinel wells around Copco, through resident volunteers, nor have they drilled any wells, and we doubt they have done this at Irongate as well. They have done absolutely no public outreach to do that. In fact, the KRRC saying they are doing community outreach is an outright lie. They have not performed the work or studies that they say they will do. Again, a study with incomplete data is not usable.

Without this data to allow for baseline well conditions and data within the area, any analysis is not reliable. This pertains not only to groundwater data, but sediment studies, and all areas of environmental concerns. There have not been enough studies to give a baseline to compare to after the project is implemented. How else can the environmental impacts of this project be determined? We need adequate studies and those have not been performed.

With the DEIR Groundwater data studies, **thirty-four** studies are from 1973-2002, and **ninety-six** are from 2004-2011. Only **twenty-two** cited documents are from 2012-2018. We believe these studies are considerably outdated. We asked Parker Thaler, of the SWRCB, about the studies of the wells around Copco saying that they did not use all the well logs in their studies, but Mr. Thaler said they were not available from DWR. This is patently NOT TRUE, as they were available, and we could obtain them. In a conversation with Parker Thaler, we pointed out the lack of a complete study, but was told that it “didn’t matter, that our well was within the 2.5 miles of the reservoir and therefore would be “covered” under the KRRC’s Groundwater Well *Management Plan*.” Thaler saying it was unimportant and didn’t matter because our well would be mitigated by the KRRC is absurd! Is incomplete data now the norm for the SWRCB? **This is just one section of the Draft EIR!!** How can the DEIR base any report based on such incomplete, out-of-date data?

If one were to use an analogy of someone needing surgery, would doctors consider using CT scan, X-rays, or lab results that are 8-15+ years old and only those results that supported the surgeons reason for surgery?? If the surgery was not necessary or successful, the doctor would surely be faced with a malpractice lawsuit. How is this DEIR any different? Obviously past studies can be helpful, but an informed report must be performed using the most **current, unbiased** studies.

While the Water Board assumes Resident’s wells affected would be mitigated by the KRRC, they would not be responsible for making certain that this happens. The Water Board shifts this responsibility to FERC to enforce. The SWRCB also states in the Executive Summary, “State Water Board cannot ensure implementation of good neighbor agreements” so what certainty will the KRRC’s plan be for mitigation? The KRRC states in their literature that “IF wells were to be adversely affected and IF it can be shown to be due to reservoir drawdown, then they would mitigate.” What proof will a resident need to show to the KRRC to have their wells made ‘whole’ again, and in what time period would the KRRC mitigate? Who will make sure that the KRRC does what they say they will? In the meantime, a resident’s home will be uninhabitable and yet the SWRCB claims that there would be “No significant impact” because of mitigation measures!! This statement is based on nothing, but the KRRC’s claim of a “Groundwater Management Plan”. This is a document that is based on incomplete data, no specificity, inadequate funding numbers, and a claim of instituting a “good neighbor” policy. While the SWRCB may trust the KRRC, residents have seen and heard little to instill that trust. If wells go dry, do residents call FERC to be certain that the KRRC will do what they say to make residents whole again? Will the KRRC still have the funds necessary to make residents whole again? For the Water Board to say that mitigation measures will be implemented to prevent or avoid

significant environmental impacts is a false statement because the Board cannot guarantee that those actions will occur.

Section 15126.4(a) of the CEQA Guidelines states “(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.”

As we stated above there are many parts of the plan that have yet to be studied. There are habitats in the area that require more study and yet the SWRCB is making a report based on inadequate and incomplete information. The KRRC is currently conducting sediment studies, so that data is NOT in the DEIR. How can the Water Board issue a draft report on the impact of the project based on studies that are currently being done or have yet to be performed?

Fire Management and Public Safety.

Under Public Resources Code section 21104, “[p]rior to completing an environmental impact report, the state lead agency shall consult with, and obtain comments from, each responsible agency, trustee agency, any public agency that has jurisdiction by law with respect to the project, and any city or county that borders on a city or county within which the project is located unless otherwise designated annually by agreement between the state lead agency and the city or county, and may consult with any person who has special expertise with respect to any environmental impact involved.” I do not believe that the Water Board has done this. Did the board meet with Siskiyou County Board of Supervisors, and what about other agencies that are direct stakeholders?

Did the Water Board meet with the Copco Fire Department, Montague Fire Department, Cal Fire, and the USFS Fire personnel to discuss how the loss of the reservoirs would affect their ability to fire wildfires? After the deadly wildfire season, we just experienced last year, the significant impact to Public Services, aka Fire Protection, has been downplayed in this DEIR. Stating that the impact is unavoidable is not true, because if you leave the reservoirs in place, the impact IS avoidable!! The Water Board did NOT meet with the Copco Fire Department, nor did it meet with the Montague Fire Department. These are two of the foremost agencies that respond initially in case of fire near Copco and yet they were not consulted!! This is a travesty!

Cal Fire officials I spoke with are seriously concerned with losing these reservoirs for firefighting. Although Cal Fire does not have water scooping fixed wing aircraft, they can call upon these resources and this type of aircraft cannot be used on a river. All firefighting agencies, including the USFS, have expressed serious concerns over loss of these resources. The KRRC's Fire Management plan is grossly deficient in a deadly way because it increases fire response time! Ask the families of those that have suffered the loss of a family member due to wildfire, what an increase in response time means to them! Beyond the reservoirs providing a water resource, they also provide a significant fire break as well as a refuge for those that might

not have time to evacuate. The river cannot provide either of these resources, nor can this loss be mitigated. Some residents have only been able to obtain homeowner's insurance, living in a fire high danger area, because they were able to document that they lived near a lake. The KRRC's plan of mapping of deep water pools is insufficient, IF they will even exist in times of drought, low seasonal flows, as well as sediment deposition after dam removal. The dry hydrants are laughable as firefighting agencies do NOT all possess the connections, equipment, and engines needed to utilize these hydrants, therefore making them ineffectual. These are not mitigation measures, just meaningless words on paper! The loss of the reservoirs for firefighting cannot be mitigated, nor are there any mitigation measures that would come close to comparing to what water resources these reservoirs provide for public safety!

### Project Purpose and Objectives

Section 2.1 of the DEIR, Project Purpose and Objectives, outlines the SWRCB identified objectives of the Proposed Project as well as the underlying purpose. The purpose is "timely improving water quality related to the Lower Klamath Project within and downstream of the current Hydroelectric Reach and restoring anadromous access upstream of Iron Gate Dam." This purpose does not take into consideration the citizens of Siskiyou county, but more specifically the residents that live near and around Copco and Irongate. The SWRCB should consider the them in their project objectives. How does the objective, "Restore volitional anadromous fish passage in the Klamath Basin to viable habitat currently made inaccessible by the Lower Klamath Project dams" but, does not specifically address improving water quality, nor does it specifically address upstream access. Wouldn't fish ladders, trap and haul or other methods of assisting the fish past the dams, meet the same objectives and yet we do not see those options discussed.

Mitigation Measures Proposed to Mitigate Significant Impacts Section 15126.4(a) of the CEQA Guidelines states:

- (1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.
  - (A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project.
  - (B) This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.
- (2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

In the Draft EIR, the SWRCB refers to "measures that would be not be considered feasible for the purposes of CEQA because the SWRCB cannot ensure that they would occur." In these cases, recommended measures are provided that would reduce potential impacts **IF**

implemented by KRRC. However, the impact analysis herein cannot rely on the implementation of these measures. In many of these cases the DEIR concludes that a significant and unavoidable impact would result.

We have serious concerns over the above statement. If the SWRCB cannot hold the KRRC accountable to perform mitigation measures, then the SWRCB should have serious concerns about such significant environmental impacts! These significant environmental impacts and any mitigation measures should be definitively outlined BEFORE the project is approved. It seems that the SWRCB is exempting itself from making any mitigation measures enforceable because they cannot be certain that they would occur and cannot require the KRRC to comply with regulations. We were told by the Water Board that FERC would be the responsible party in regulating compliance. We believe that the SWRCB should revise the DEIR to definitively state these mitigation measures as they apply to state and federal law as well as the ESA. If the SWRCB does not think this is possible, then they should explain the reasoning behind this lack of specificity.

The Executive Summary to the DEIR states:

Below is a summary, by resource area, of impacts found to be 'significant and unavoidable' with or without mitigation (Table ES-1). Please note, the KRRC proposes to further develop Proposed Project actions relating to certain state and local regulatory requirements for several resource areas that fall outside of State Water Board's water quality certification authority. The State Water Board anticipates implementation of additional measures (e.g., good neighbor agreements between the KRRC and relevant state or local agencies, recommended measures in this EIR, and any modifications developed through the FERC process that provide the same or better level of protection for the resource in question) would reduce impacts. The EIR notes where such protection would eliminate the potential for a significant impact. However, the State Water Board cannot ensure implementation of good neighbor agreements, recommended measures included in this EIR, or modifications anticipated to be developed through the FERC process. Therefore, the State Water Board has identified impacts that rely on implementation of such agreements or recommended measures in this EIR as significant and unavoidable."

**We find the above statements very concerning and disturbing. This is the SWRCB exempting itself from any liability claiming that it cannot ensure that anything in the KRRC's Definite Plan will be implemented. Furthermore, by such a statement, the Water Board is underestimating the significant environmental impacts!**

This section included significant and unavoidable impacts on the following resources: Water Quality, Aquatic Resources, Phytoplankton and Periphyton, Terrestrial Resources, Flood Hydrology, Air Quality, Historical Resources and Tribal Cultural Resources, Public Services, Aesthetics, Recreation, Hazards and Hazardous Substances, Transportation and Traffic, and Noise. Most of the resource areas also included recommended mitigation measures that the SWRCB states are not enforceable and therefore cannot be relied upon. In other words, the

SWRCB is relying on other agencies for enforcement rather than ensuring that any mitigation measures would be implemented to lessen the significant impacts.

#### Aquatic Life.

Impacts to aquatic life cannot be underestimated and dam removal would have a significant impact and yet we see nothing in the DEIR about alternatives. In addition, the Endangered Species Act was founded to protect species that are endangered of extinction. This project contends that the salmon and other aquatic life (not ESA listed species) take precedence over the ESA Lost River and Shortnose Suckerfish. This project also contends that salmon take precedence over bass, perch, sunfish, and catfish. We have yet to see the list of “preferred species” that declares a rank of importance for non-ESA listed aquatic species. Where does it state that one species should be placed above another with regards to their importance with environmentalists and fisherman? In addition, there is lack of scientific studies that are required by ESA law to study the Suckerfish. Some members of the California state legislature are so determined to remove these dams that they are willing to sacrifice these suckerfish species in favor of others by passing legislation overriding ESA law. What gives any governmental agency the right to do this? There are no laws authorizing the government to decide which species survive and those that should not. Many fish protectionist groups are claiming that dam removal is essential for the survival of the salmon, while never addressing the gill netting of the Klamath River by the tribes, rising ocean temperatures, and commercial over-fishing.

In addition, dam removal will likely endanger the very existence of salmon, and other species by inundating their spawning beds with sediments. Salmon need deep, cool water pools to survive and thrive! The KRRC states this about pool depths, *“KRRC does not propose mechanical intervention in the main channel of the Klamath River at any substantial scale because the disturbance of the bed could cause more ecological impact than the sediment in the bed. Moreover, as mentioned above, KRRC does not believe that it is reasonable or prudent to want to recover pre-removal pool depths downstream of the dam.”* We believe this would further endanger the salmon, yet little is said about this.

#### Sediments and water quality.

Sediment sampling has been inadequate both with the 2012 Detailed Plan and with the KRRC's Definite Plan. The sediment sampling done in the past has not gone deep enough to be accurate. Without a complete, thorough study of the sediments to be released by dam removal, there is no clear picture if the KRRC will be able to meet the 401-water certification. We are concerned with PCBs as well as lead, mercury, DDT, and many other contaminants. We believe the discharge from the dams will not meet the levels necessary to comply with California laws despite the KRRC stating otherwise. We are very concerned with water quality after all these sediments have been released downstream. We contend that all of this has not been adequately studied as to the significant and potential major environmental damage that may ensue if dam removal is permitted to occur. When the lake is drained, we question how this will affect the underground aquifers.

We have concerns with the release of 20-30 million cubic yards of **estimated** sediments to be released. As with past dam removals, estimated sediments have been **grossly underestimated** and we do not expect any differences with this dam removal project. The Condit Dam sediments amounts were estimated to be 1.7 million cubic yards. The reality was it was three times that amount. If the sediments to be released are underestimated with Klamath River Dams to the extent as with the Condit Dam removal, the proportional release of sediments could be as much as **60 million cubic yards of sediment!**

After the millions of cubic yards of sediment are released, just where are they proposing to get the deep, cool water pools that the fish will need to survive and propagate? Are they not planning any mechanical intervention because they do not have the funds to do so? Are they planning to create this disaster and then hope that state and federal funds will mitigate this problem they have created? Where is the KRRC's liability in this? Do they have the proper liability insurance to fund any lawsuits that may arise out of these proposed actions? We contend that dam removal will further hurt the salmon rather than help them! Dam removal is an experiment at the costs of millions of dollars with no certainty of a positive outcome for fish. Do we believe these studies? Are they adequate? Have their sediment studies gone deep enough?

Even those advocating for dam removal such as Curtis Knight, executive director of the nonprofit California Trout said, *"The removal of sediment is one of the biggest wild cards in dam removal. Is there unfound toxicity in there? We haven't found any yet, but that doesn't mean there isn't some there. What is the composition of the sediment really like and how is that going to move itself downriver? What are the impacts on fish? Those are some of the bigger unknowns."*

The amounts of sediment have been estimated at 20-30 million cubic yards of sediment. We have no certainty as to the accuracy of this estimate.

Lynda V. Mapes, of the Seattle Times on 1/2/13 reported on the Elwha Dam removal, *"It turns out the dam-removal project on the Elwha River — already the biggest anywhere in the world — is even larger than originally thought. In the project, long predicted to affect more than 24 million cubic yards ment, the amount of sediment once impounded by the dams is actually about 34 million cubic yards, said Barb Maynes, spokeswoman for the National Park Service."*

If you look at the amounts of sediment estimated to have been released with the Condit Dam removal, the reality was that it was three times the modeled amount! Sixty-foot-deep pools were completely filled with sediments, and there are issues at the delta where the White Salmon River meets the Columbia River only 3.3 miles from where the Condit Dam was located. They are currently attempting to clear that delta of all the sediments. The White Salmon River is a clear, cold-water river with temperatures of forty-three degrees. The Klamath River is much shallower, considerably warmer river with historic low flows before the dams were constructed. How can the Water Board consider allowing all this sediment to be released down the river? It will raise the bed height of the river by an unknown number of feet which will negatively raise



water temperatures, water quality, as well as decimate fish habitat and spawning beds. With the Condit Dam, the spawning beds have been inundated with sediments, and this will be a certainty with the Klamath River, despite the KRRC claiming this won't occur and by their own admission they will not mitigate this as they are afraid of causing more damage. Does the Water Board have enough assurances from the KRRC to believe they will be able to take mitigation measures to avoid significant water quality impacts?

Water quality and sediment sampling issues are also a concern, as in the past and going into the future, the USBR has had to release water to meet seasonal pulse flows to avoid fish disease. With the dams removed, this water must be released from the Upper Klamath Lake where there are well known water quality issues. This will be water that will come into California from Oregon, **not** meeting our water quality standards, **IF** there is enough water after meeting wildlife and agricultural needs in Oregon.

Another area of weakness is the fact that the KRRC's plan lacks specificity as to how they intend to do water quality monitoring. How does the Water Board intend to make the KRRC accountable for this monitoring? While it may appear to be technically adequate, without their **specific plans** to do monitoring there is no way to hold them accountable or no way to be certain that they will follow through and do what they say. We also do not have adequate assurance that they will have the financial capacity to follow through. Aside from the original studies, only an extremely limited section of the Klamath River was evaluated, and not all the creeks and rivers from above and below Iron Gate Dam to the mouth of the Klamath River, that make up the entire river system. The actions of all parties that impact the river, were and need to be taken into consideration.

There is also the issue of Yreka's water supply. The KRRC is submitting three proposals to meet current water needs of the city of Yreka, but they have not taken into consideration the **future growth** in water demands. This needs to be addressed prior to dam removal. There is also the additional concern of having piping above ground being more vulnerable. There is also the issue of fish mitigation with Fall Creek and will fish needs trump the City of Yreka's water demand needs. Also, we find it ironic that now the City of Yreka is so concerned with the KRRC's inability to adequately protect the integrity of the City's water supply that they have now filed a request for late intervention with FERC in this process. Does the Water Board believe that the KRRC is capable of mitigating this significant impact?

Air quality.

Regarding air quality, the sediments left behind will cause problems for residents around the reservoirs, especially Copco, and yet there is NO mention of this in the DEIR!! Look at the Condit Dam removal when they encountered toxic dust storms when people experienced Mercury poisoning. What about when these sediments from the Klamath dams become airborne? What about the PCB's, evidence of DDT, etc.? In a recent drawdown of Copco Lake, there were days when dust from the sediments became airborne. Where are the plans to mitigate this for homeowners that live around the lakes? The only mention of dust issues

relates to during dam deconstruction, but there are absolutely no plans to mitigate **sediment dust** issues after dams are removed! Again, the Definite Plan and DEIR are a plan/report that is far from definitive or complete!

Soils, Geology, and Slope Stability.

Regarding soils and geology, an area of concern is slope stability and what slope failure could mean for the reservoir footprint and consequently the river. We see little in the DEIR about slope stability. We are concerned with the KRRC's plan recognizing Instability of the Reservoir Rim. The KRRC states, *"Approximately 2,800 linear feet of slope adjacent to private property (approximately 8.7% of south shore length) require additional field investigation and analysis to gain a more refined understanding of slope stability in those areas. **Up to eight parcels along the referenced-reservoir rim segments appear to have existing habitable structures that could potentially be impacted.**"* Their plans are: *"For segments adjacent to property or structures: a) Move structure or purchase property b) Engineer structural slope improvements (e.g. drilled shafts or other structural elements that could be installed to resist slope movement)"* While they have done "field investigation and analysis" we believe that they need to do much more! We believe that their current estimates of only 8 parcels being affected, will be at **least twice** that number! The KRRC also doesn't know where the septic tanks for these properties are located, nor have they even considered that as a potential problem! Some septic tanks exist between homes and the slopes that are in danger of collapse! How do they intend to mitigate those factors? Are they even aware of that fact? Also, we have looked at the slopes the KRRC has identified as "at risk" and they are not the ones that have had previous slides. There are slopes with a 90-degree incline, to the existing reservoir. These slopes are not even "red-lined" for concern! During previous drawdowns, the slopes have sloughed off. Even when there are no drawdowns, the slopes continually erode into the lake. Trees have fallen into the lake from these slopes, and as the rims have eroded and fallen, some docks have been lost through the years. Does the KRRC even know of these facts? We know of at least one home that has been experiencing foundation cracks, but does the KRRC know which house this is? How can the Water Board begin to believe that the KRRC has the technical ability to take on this project when they have not begun to do adequate studies and are these studies even **accurate and reliable**? Besides their technical abilities being sorely lacking, do they have the **financial capacity** to mitigate such problems? The DEIR makes very little mention of slope stability.

Aesthetics.

In the DEIR, the report concludes questionable references towards the aesthetics. Aesthetics are a major factor as to why homeowners built homes around the lakes. The report does little to address what will be lost in aesthetics for years looking onto mud flats, etc. Homeowners that live around the Copco 1 Reservoir and others have been grossly overlooked in both the USBR report as well as the KRRC's plan. We are the most impacted stakeholders and were NEVER represented at any of the meetings with the KHSa, KBRA, state, or any meetings! Our property values have dropped by over half and are continuing to decline in value! Whatever value is left in our homes, becomes almost nothing when we cannot sell our homes, unless we do so at a small fraction of what they were originally worth IF anyone even is interested in

buying! The Siskiyou County Assessor-Recorder and Senior Appraiser, have both been quoted as saying there have been noticeable changes in the Copco market, including increased marketing times, much lower sale prices and a refusal by some realtors to list homes in the area, and in calling to get appraisals of our homes have been refused by appraisers! Any homeowner now wishing to sell their home that border the reservoir must disclose dam removal, possible loss of well water, slope instability resulting in foundation movement and loss of property, and no certainty of river access. Siskiyou County Board of Supervisors, among others, have on multiple occasions, expressed a desire to see mitigations put in place requiring that property owners be reimbursed for lost property value if the dams are removed.

While the KRRC has said, *“KRRC’s study and planning will evaluate various ways to mitigate impacts (property values) to landowners.”* October 2017. Despite the KRRC stating, *“Based on this outreach and the information obtained from state and local jurisdictions and other stakeholders, KRRC has made changes or modifications to the Definite Plan to address these agencies’ and stakeholders’ interests and concerns.”* We see **absolutely nothing** about compensation for homeowners in this Definite Plan, despite homeowners having repeatedly asked **if and how** we will be compensated for our loss of property values! Just where in this DEIR does it address **mitigation** for lost property values?? We also see absolutely nothing in the Definite Plan to address school funding losses and loss of county funding due to loss of taxes in the Definite Plan. **There are no offers of compensation of any type and absolutely no plans to mitigate this loss!**

There is a legal position here on a state or federal project for “hardship” loss of value. It is a public project cost. In the KRRC’s “cut and paste” from the 2012 Detailed Plan, ironically, they **eliminated** any mention of **lost property values** although they certainly added much of the Detailed Plan in their Definite Plan, if it favored their proposed agenda. Although the 2012 Plan was highly deficient, as it didn’t take into consideration improved land values, but it did address Property Values and stated, *“Kruse and Ahmann (2009) is the only study to model the effects of lot size and proximity to the Klamath River, Copco 1 and Iron Gate reservoirs on private residential property values. The study concluded that lake adjacency does have a positive and significant impact on residential property values and that, all things being equal, properties on a lake, with lake proximity or a lake view are worth more than properties without these characteristics. This group of impacted parcels consists of parcels with views of Iron Gate Reservoir and parcels with views or frontage/access to Copco I in the “before” condition. **The value of these properties was deemed to be negatively affected as a result of dam removal**. It is important to note that, in addition to examining the potential impacts to private property values from dam removal, the articles reviewed for this research analyzed numerous potential effects that can result during and after dam removal. Some of these other effects include issues related to:*

*The cost of dam removal and **economic impacts on the surrounding areas**; Future ownership of reclaimed land following dam removal; Future access to the stream/river compared to lake access with the dams. **Lake bottom and flood plain restoration following dam removal**; **The need to dispose of contaminated sediments**; **Potential impacts on the water table and***

**corresponding effects on nearby wells; The loss of hydropower; Potential impacts on recreation resources including fishing, canoeing and kayaking.**

*“U.S. Department of the Interior, U.S. Bureau of Reclamation. 2008. Evaluation and Determination of Potential Liability Associated with the Decommissioning and Removal of four Hydroelectric Dams on the Klamath River. Prepared by Camp Dresser and McKee. The report found that there could be a loss of property values as a result of dam removal. **The potential property value loss and PacifiCorp property reimbursement has the potential to equal \$13 million to \$27 million. In addition, the report concluded that real estate values could drop in certain areas such as Copco Reservoir where owners “will lose access to a major amenity.”**”*

Where does the DEIR address loss of property values due to aesthetics, as we could not find it and this is definitely a VERY significant impact that IS avoidable if dam removal does not take place.

Finances and Mitigation.

We additionally question whether the funds the KRRC claim to have are adequate to cover cost overruns to implement mitigation measures necessary to prevent or avoid significant environmental impacts. As we have stated in numerous instances, we wonder if they won't run out of money before the project is finished. We believe they have underestimated the number of wells that will go dry or be compromised, we are concerned with slope instability and the number of homeowners that will be affected and therefore properties needing to be purchased, and we are concerned with problems with dam removal itself when they say they may have to wait a year if they run into problems. We question if funds will still be available for recreational sites after dam removal. We believe they have grossly underestimated the costs of revegetation and other unforeseen problems and challenges they will be facing. We are also concerned with the lack of number of years that they intend to do monitoring of the many facets of this project for mitigation measures. This nonprofit will cease to exist just a short time after they achieve their goal of removing the dams.

To further our concerns with lack of adequate funding, the KRRC is planning to implement a Progressive Design Build Plan for dam removal. In the past, this was referred to as “time and material”, a plan that is infamous for cost overruns. The KRRC would have us believe that this is a considerably new way of operating in the industry, but it has no proven record with dam decommissioning and yet the Water Board is trusting that the KRRC can do what it says it can do. The danger of a Progressive Design Build plan is that it is basically a project that has no certainty of having enough funding to complete the project as defined in the KRRC's plan. If they run out of money to complete the project, then what they are claiming they will do in the Definite Plan, will not be a reality and there will be no consequences and no accountability. Their cost overrun statements are less than 10-20%. We would ask you what government projects that you have seen overruns that have **ever** been so low?? Does Oroville Dam ring a bell? The SWRCB cannot base their DEIR on such a plan that lacks specifics, because we do not know what plan the KRRC will follow if they run out of money to complete the project and meet the stated mitigation plans to prevent or avoid significant environmental impacts.

While we have not addressed such other resources such as Flood Hydrology, Historical and Tribal Resources, Noise, Phytoplanton and Periphyton, Recreation, Terrestrial Resources, Transportation and Traffic, we have considerable concerns for the protection of these resources as well. The significant impacts to all these and other resources are fully avoidable if dam removal does not take place. If fish ladders or some other type of fish passage (trap and haul, etc.) were to take place, the overall environmental impacts would be greatly lessened! We believe other alternatives need to be looked at as there is much more CERTAINTY!

**If the Federal Government, through Congress, did not want to underwrite this project, do you confidently believe that a little nonprofit, with no dam removal experience, has the capacity to accept such liability and meet mitigation measures to avoid the significant environmental impacts? It is inconceivable that the SWRCB can trust that its Draft EIR is a reliable, accurate report based on such uncertainty.**

Respectfully submitted,  
Loy and John Beardsmore