

To: Mr. Parker Thaler

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From: Nathaniel Pennington, Board President Nature Rights Council

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RE : Scoping Comments submitted to the State Water Quality Control Board ( State Water Board) by the Nature Rights Council for the Preparation of an Environmental Impact Report for the Klamath Hydroelectric Project Relicensing.

The Nature Rights Council (NRC) submits these scoping comments to the State Water Board for the environmental review of PacifiCorp's Klamath Hydroelectric Project, which includes three Klamath River dams — Copco 1, Copco 2, and Iron Gate. Pursuant to the California Environmental Quality Act, Public Resources Code, sections 21000 et seq., (CEQA) the State Water Board will prepare an Environmental Impact Report (EIR) or a supplemental EIR to support consideration of PacifiCorp's application for certification under Clean Water Act (CWA) section 401, for modifications to and continued operation of the Klamath Hydroelectric Project (KHP).

The fisheries resources in the Klamath River watershed have declined significantly in recent years, which are related to various factors including fish passage blockage, parasitic fish diseases in the watershed, and poor water quality. The water in the Klamath River will not meet water quality standards while the dams continue to operate even if costly and inefficient mitigation measures are included. The State Water Board has listed the Klamath River as impaired under the Total Maximum Daily Load (TMDL). Removal of the Klamath dams is seen as the best and most cost efficient way to begin resolving the TMDL in the Klamath River. The Secretary of the Department of Interior made an Environmental Impact Statement (EIS) for the removal of four dams on the Klamath River. The State Water Board should refer to this EIS for related information needs in the EIR being prepared. PacifiCorp has stated that dam removal is their preferred option.

According to the National Research Council, Spring Chinook were once the most prolific fish in the Klamath Basin, with over 100,000 fish returning to the river each year to spawn. They thrived in the headwater streams of the Klamath, in tributaries such as the Sprague, Wood and Williamson rivers in Oregon. The Shasta, Scott, and Salmon rivers of California also supported large runs. By the early 20th century however, Spring Chinook suffered precipitous declines due to hydraulic mining, dams, and diversions. The majority of spring Chinook habitat was lost following the construction of dams on the Klamath. By the 1980's, spring-run Chinook had been largely eliminated from much of their former habitats because the cold, clear water and deep pools that they require were either absent or inaccessible. In the Klamath River drainage above the Trinity, only the population in the Salmon River remains, with annual runs of 80–1,600 fish. The NRC believes that without removing the four hydro-electric dams on the Klamath to restore fisheries the residents of California will continue to suffer economically and the beneficial uses of the Klamath Basin will never be realized.

In the last 15 years, there has been an increased frequency and severity of freshwater cyanobacteria harmful algal blooms (cyanoHABs) in the North Coast Region, particularly in the Klamath Basin related to Pacificorp's hydroelectric dams on the Klamath River. The Regional Water Board has received reports of nuisance blooms and algal scums, animal illnesses & death, and on occasion, human health impacts within the basin. The use of algaecides by PacificCorps is not recommended by the NRC and is likely in violation of the Clean Water Act. It is the duty of the State Water Board to protect the beneficial uses of the State's waterways. The impacts of these toxins cannot be mitigated without the complete removal of the Klamath hydroelectric project.

Pacificorp's dams breed toxic algae that are thousands of times more toxic than World Health Organization guidelines for public contact. The Dams also heat the reservoirs of water trapped behind them creating water quality conditions that that led to the largest fish kill in United States history, when over 70,000 adult Chinook salmon died before spawning. The effects of this event rippled throughout communities, ecosystems and economies, causing irreparable harm. Since salmon are a keystone species, meaning that many other species and ecosystems are dependent on them, the decline in the salmon populations are being shown to affect ocean life such as whales, dolphins, and seals, who subsist off of salmon. The tribes and fishermen who live down river from the dams have also been significantly affected, and environmental analysis of the operation of the dams should include the economic, social and cultural effects of the dams on the tribes.

Artificial flow regimes also increase diseases among adult and juvenile salmon, resulting in annual mortalities, with infection rates sometimes as high as 100% of the fish being infected. See Klamath Fish Health Assessment Team's database for comprehensive data on this matter. Klamath Dams also kill endangered Coho salmon and negatively affect spring Chinook, which has the potential of being listed under the Endangered Species Act.

With global temperatures rising, and drought years becoming more common and climate change affecting ecosystems, removing the Klamath dams is paramount to retaining beneficial uses for waterways in California and restoring one of the largest fisheries in the west, which could boost local, regional and state economies.

In conclusion, NRC believes that dam removal is the most cost efficient and best way to resolve the fisheries issues, the TMDL, and water quality in the Klamath River. Thank you for providing NRC with this opportunity to provide scoping comments on this environmental review.

Nathaniel Pennington for Nature Rights Council