

TO: State Water Resources Control Board WR401Program@waterboards.ca.gov
Comments on Water Quality Certification KRRC Lower Klamath Project (FERC Project No. 14803)

Re: **PRESERVATION OF THE KLAMATH RIVER BASIN and STOP the largest Proposed Dam Removal Project in the World and preserve the Klamath River Basin economy and ecosystem.**

It **HAS NOT** been established that anadromous fish habitat exists above J.C. Boyles Reservoir to justify Dam Removals.

THE KLAMATH RIVER HYDROELECTRIC FACILITIES (FERC Project No. 2082) have been requested for Decommissioning by PacifiCorp (Surrender of License #20160923-5370) for Iron Gate Dam, Copco No. 1 Dam, Copco No. 2 Dam, J.C Boyle Dam, and appurtenant hydroelectric works and to be transferred to a dam removal ("shell") corporation called KRRC.

It is within the SWRCB & FERC's *responsibility* to **consider the public interest to retain and pursue the relicensing of the hydroelectric facilities** to a "responsible" entity.

Siskiyou and Klamath Counties, and the Cities within, have the statutory responsibility to provide and protect the public's interest and safety to all citizens and protect the environment for present and future generations. Through proper and legal voting procedures in 2010, the voting populous of Siskiyou Co. (79.04%), and in 2016 Klamath Co. (72%), **OVERWHELMINGLY voted to retain the Klamath River Dams and Hydroelectric Facilities.**

As a Registered Engineer and former CA State Employee responsible for the preparation of Environmental Impact Reports (EIRs) and Storm Water Pollution Prevention Plans (SWPPPs), I am disappointed the Department of Interior (DOI) and States of CA and OR failed to prepare and complete **401 Clean Water Act** and environmental studies to legal and acceptable standards that support Dam Removals:

- 1) Coho Truck and Haul Studies above J.C. Boyle Dam were *demanded but refused* by the DOI, probably because they realized anadromous habitat does not exist. A common analogy is that the only way Coho juveniles can get from the Upper Lake tributaries to the ocean is by becoming flying fish. The truck and haul study must be completed to support Dam Removals. Without this study the environmental documents fail and **will INVOLVE MAJOR LAWSUITS.**
- 2) The environmental documents are incomplete: Fail to analyze alternatives with Dams in place; Fail to provide a Cost Benefit Analysis; Fail to include substantial crop and property value losses to Farmers and Ranchers due to unjustified DOI water cutoffs.
- 3) The release of 20 +/- million cubic yards of toxic sediments retained behind the Dams down river is irresponsible, violates the 401 Clean Water Act, and requires the preparation of a Storm Water Pollution Prevention Plan. It will decimate river habitat for decades. It is irresponsible that sediment removal by dredging has been abandoned because of cost!!
- 4) The CA Division of Dam Safety, under existing law, requires that Dam Removal Plans be submitted and approved and verify Dam Removal Plans and Conditions are followed.
- 5) Siskiyou and Klamath Counties have and are mandated (within their existing regulations and public safety authorities) to require and approve Klamath River Dam Removal Permits--State and Federal Governments do not preempt them.
- 6) The DOI and State Agencies have circumvented State and Federal Laws by certifying bogus scientific studies to justify dam removals, commonly cited by recognized professional Biologist, Scientist and Engineers as SWAGs (Scientific Wild A\$\$ Guesses).

- 7) The proposed project of Dam Removals on the Klamath River is analogous to the Division of Highways proposing a freeway to nowhere without proper studies and public support at the expense of all citizens. **This action would INVOLVE MAJOR LAWSUITS.**

Pursuing the proposed Klamath River Dam Removal Project without satisfying the above required environmental documents and permits **WILL INVOLVE MAJOR LAWSUITS.**

Klamath River information: **1.** The Klamath Basin is the only upside down basin on the west coast (warm poor water quality above J.C. Boyles Dam), with water temperature and quality improving as it travels to the ocean. **2.** Moonshine Falls, directly below J.C. Boyles Reservoir, is cited by CFW to be the upper most habitat for anadromous fish. **3.** The downstream Dams have absolutely nothing to do with the Upper Basin water wars. They improve the DOI Klamath Project regulated flows to farmers and ranchers by providing required minimum instream flows. **4.** The California dams have been recently inspected by the Division of Dam Safety and are in good condition. **5.** These dams provide a 25% down river flood and surge protection, based on the 1964 flood hydrograph measured at the gage below Iron Gate Dam, and provides an average yearly water quality improvement. **6.** Given the condition of a complete Klamath River cutoff by the DOI or a severe drought, the dams can also provide CDFG/CFW's 700 cfs minimum instream river flows for a three-month period with adequate storage retained for Lake Habitat.

THE FOLLOWING PROJECTS (ALTERNATIVES WITH DAMS IN PLACE) HAVE BEEN PROPOSED TO FACILITATE "FERC" RELICENSING, PROMOTE THE PUBLIC AND ENVIRONMENTAL INTEREST, COMPLY WITH THE BI-STATE COMPACT, AND PRESERVE THE KLAMATH R. BASIN:

- **Implement** the Shasta Nation Tunnel Unassisted Anadromous Fish Passageway around Iron Gate, Copco 1 and Copco 2 Dams at a cost of \$50 million (1/6th the \$300 million cost estimated for installing fish ladders and 1/20th the \$1+ billion estimated for dam removals and restoration). This will provide anadromous fish passage around Iron Gate, Copco 1, and Copco 2 reservoirs to the pre-dam 20 miles of native river habitat above Copco 1 Reservoir. This proposal has a very positive write up in the DOI's EIR. (It was not considered because it required retaining the Dams). A former DFG official stated that he could not support this alternative. He also stated that he could not support proposed fish ladders either because there is no habitat above the Dams to warrant the expense of either.
- **Implement** the 60,000 ac.ft. Klamath River/Shasta Valley Reserved Water Right (A0169580), transfer canal and storage facilities to supplement Montague Irrigation District's irrigation water with Klamath R. water (poor water quality containing high nutrients). This project augments current irrigation supplies, allows for additional land to become irrigated, and replaces naturally impaired Upper Klamath R. water with higher quality water. A portion of the reduced water demands (good water quality) can be released by the District from Lake Shastina or from their wells into the Shasta River, improving the water quality in both the Shasta River and in the Klamath River below Iron Gate Reservoir per FERC recommended requirements for relicensing. The Shasta Valley RCD & CDFG contracted a similar augmentation study in 2007 that has since been politically shelved. (*Because it depends on retaining the dams scheduled for removals*) Ref: (CDFG Project No. P0310329).
- **Establish** additional reliable storage facilities within the Klamath River Basin, including increasing storage capacities of high-elevation lakes as recommended in the October 1991 Department of Water Resources Study: *SCOTT RIVER FLOW AUGMENTATION STUDY*, and introduce juniper removal projects. Added storage facilities and juniper removals projects will provide thousands of

ac-ft. of additional surface and ground water storage, provide additional wildfire protection, increase late summer and fall instream flows, and augment irrigation waters.

- **Establish** a Public Utility District within Siskiyou and Klamath Counties to take possession of the hydroelectric facilities and pursue FERC re-licensing. Note: This process is underway in Siskiyou Co. and planned to involve Klamath Co. and the Shasta Nation in the near future.

These proposals will:

- **Save the Hydroelectric Dams** which generate clean, green, renewable power to 70,000 homes and protect the lake habitat and homes in and around the reservoirs by removing dam removals from the proposed Klamath Basin Restoration Agreement (KBRA) and eliminating the Klamath Hydroelectric Settlement Agreement (KHSA).
- **Save Iron Gate Fish Hatchery**, which is dependent on cool low level water releases from Iron Gate Reservoir, which releases over six million salmon and steelhead fingerlings per year into the Klamath River. Note: A former CDFW Game Warden stated, "It is *impossible* for the Klamath River Habitat above Iron Gate Dam to duplicate the production of fish generated from the Iron Gate Hatchery."
- **Save future impacts** on the Fall Creek Hydroelectric Facilities and Yreka City Fall Creek water supply.
- **Save the Klamath River from complete destruction** by eliminating the proposed and irresponsible releasing of 20 million cubic yards of sediments and pollutants retained behind the dams down river. This equates to sediment 3ft. thick all the way to the estuary, assuming that the River is 150ft. wide & 190 miles to the ocean. (Violates Clean Water Act Section 401).
- **Save future Klamath River water demands** from the Scott R. and Shasta R. by State and Federal Agencies to satisfy requirements proposed in the KBRA for Environmental Waters.
- **Preserve the sacred Shasta Nation Tribal Villages and Burial Sites** beneath the waters of Iron Gate and Copco Reservoirs.
- **Provide additional storage facilities and instream flows** that will enhance fisheries and benefit the Tribes, NGOs and fishing interests, and improve Klamath River water quality.
- **Eliminate increased electricity rates** for On and Off Project irrigators and all ratepayers and provide substantial power rate reductions with the establishment of a PUD.
- **Provide Government Agencies common sense and professionally supported, engineered alternatives.**

It is within the SWRCB & FERC's responsibility to consider the public interest to retain and pursue the relicensing of the hydroelectric facilities to a "responsible" entity. **KRRC is a politically formed shell corporation that has presented false public information** and is not professionally or physically qualified to take possession of the Klamath River Hydroelectric Project.

THE KLAMATH DAM REMOVALS PROPSAL IS ALL-POLITICAL WITHOUT JUSTIFICATION!

There are NO justified beneficial reasons for Dam Removals

There is no anadromous fish habitat above J.C. Boyles Reservoir

Coho Salmon are not indigenous to the Klamath River

Release of 20+/- Million C.Y. of Sediment down River violates all Water Quality Laws

STOP this unjustified exorbitant spending of taxpayer money on a road to nowhere.

Do not allow politics to TRUMP common sense.

Respectfully submitted 7/21/2018 by

Jerry L Bacigalupi

Professional Civil Engineer, JLB Construction & Engineering P.O. Box 309, Montague, CA 96064
(916) 768-5015 Jerry@JLB-n-DLB.com