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

The Klamath River Renewal Corporation (KRRC), a nonprofit organization, has filed an application for water quality certification (certification) with the State Water Resources Control Board (State Water Board) for the Lower Klamath Project (Project). The Project is also referred to as Federal Energy Regulatory Commission (FERC) Project No. 14803. Pursuant to the amended Klamath Hydroelectric Settlement Agreement (KHSA), the KRRC proposes to decommission and remove four dams (J.C. Boyle, Copco No. 2, Copco No. 1, and Iron Gate) and their associated facilities. 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 FERC, which triggers the need for environmental review and state certification. The State Water Board's regulatory role is limited to certification pursuant to Section 401 of the Clean Water Act, which establishes whether a project can meet water quality standards and imposes any necessary conditions to protect water quality. The conditions of a certification are included in a FERC license. On June 7, 2018, the State Water Board released a draft certification for public review and comment. Issuance of a final certification by the State Water Board is an action that requires compliance with the California Environmental Quality Act (CEQA) (See the Notice of Preparation and Notice of Availability for more information).

Why is removal of the dams being proposed?

The KRRC proposes to remove the dams to create a free-flowing Klamath River and provide for unaided fish passage in the Klamath River in accordance with the KHSA. 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 below J.C. Boyle dam to more natural riverine conditions resulting in improved water quality and a more natural range of water temperatures. 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).

What is CEQA and what is the State Water Board's role under CEQA?

CEQA requires state and local government agencies to inform the public and decision makers about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible. The Lead Agency is the public agency that is principally responsible for implementing or approving a project, and it determines the level of environmental review required for a project. (14 CCR § 15367.) Because the proposed Project requires certification from the State Water Board before it may be implemented, the State Water Board is the CEQA lead agency, and is responsible for preparing the environmental review document for the Project. The State Water Board prepared a Draft Environment Impact Report (EIR) based on its determination that the Project may have significant impacts on the environment. (14 CCR § 15064(a)(1).) The purpose of an EIR is to examine the potential environmental impacts of a proposed project and to identify measures that will mitigate potentially significant impacts to the extent feasible.

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

The Draft EIR looks at potential impacts associated with the proposed 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. Some commenters expressed support for dam removal because of its restoration benefits. 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, see the State Water Board's Scoping Report). The Draft EIR discloses and analyzes impacts and mitigation measures for a range of environmental resource areas, including aquatic and terrestrial biological resources, greenhouse gas emissions, cultural resources, hydrology and water quality, air quality, and transportation/traffic. The Draft EIR also considers alternatives to the Project. Alternatives analyzed in the Draft EIR include: No Project; Partial Removal; Continued Operations with Fish Passage; Three Dam Removal (removal of Iron Gate, Copco No. 1, and Copco No. 2 dams); Two Dam Removal (removal of Iron Gate and Copco No. 1 dams); and Dam Removal with No Hatcheries. For the full analysis of potential impacts, mitigation measures, and alternatives, please see the Draft EIR. Additional information on the Project is available on the Lower Klamath Project website.

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 result in temporary environmental impacts.

The Draft EIR includes mitigation measures that will reduce or avoid any short-term impacts to the extent feasible. Additionally, the State Water Board's draft 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 to reduce environmental impacts if monitoring indicates additional measures are necessary.

Does the Draft Environmental Impact Report and water quality 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 EIR includes a mitigation measure that requires the KRRC 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. The draft certification, which was released for public comment in June 2018, contains a similar provision.

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 also part of the larger Klamath Hydroelectric Project (FERC Project No. 2082), which is also owned and operated by PacifiCorp and includes other hydropower facilities (Eastside, Westside, Keno dam, and Fall Creek). PacifiCorp's relicensing of the Klamath Hydroelectric Project was placed in abeyance by FERC on June 16, 2016.

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 and subsequently amended 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 procedure 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 the KHSA as state of California representatives. However, 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 certification, prepare an environmental review document, and issue appropriate conditions to address water quality issues that may result from the proposed project.

Is the State Water Board holding public meetings on the Draft EIR?

Yes. State Water Board staff will hold four public meetings in early 2019 to receive comments on the Draft EIR. The four meetings are scheduled as follows:

Date and Time	Location
Tuesday, February 5, 2019 (5:00 p.m. to 8:00 p.m.)	Best Western Miner's Inn 122 E Miner Street **Yreka**, CA 96097
Wednesday, February 6, 2019 (5:00 p.m. to 8:00 p.m.)	D Street Neighborhood Center 1301 D Street **Arcata**, CA 95521
Thursday, February 7, 2019 (12:00 p.m. to 3:00 p.m.)	Karuk Tribe Council Chambers (adjacent to Orleans Elementary School) 37960 Highway 96 **Orleans**, CA 95556
Friday, February 15, 2019* (1:00 p.m. – 4:00 p.m.)	CalEPA Building, Sierra Hearing Room 1001 I Street, 2nd Floor **Sacramento**, CA 95814
* The Sacramento meeting will be webcast live on the California Environmental Protection Agency (CalEPA) website at: www.calepa.ca.gov/broadcast/. During the webcast, participants can submit comments via electronic mail to: wr401program@waterboards.ca.gov.	

Additional information on the Draft EIR and associated meetings is available in the Notice of Availability.

How can I comment on the Draft EIR?

Information on how to submit comments is provided in the Notice of Availability. Comments on the Draft EIR are due **no later than 12:00 pm (noon) on February 26, 2019**. 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
Sacramento, CA 95812-2000

What happens next?

State Water Board staff released the Draft EIR in December 2018, followed by a more than 60-day comment period that will include public meetings. State Water Board staff will consider comments on the Draft EIR and will incorporate them, as appropriate, in the final EIR. It is anticipated the final certification and EIR will be complete and available for consideration by the State Water Board's Executive Director in Summer 2019.

What is the status of the water quality certification?

The State Water Board released a draft certification for public review and comment on June 7, 2018. The draft certification comment period concluded on July 23, 2018. State Water Board staff will consider comments on the draft water quality certification in preparation of the final certification. The draft certification and associated public comments are available on the Project website, which is available online at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/lower_klamath_ferc14803.shtml.

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.

(This fact sheet was last updated on December 27, 2018.)