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## State Water Resources Control Board

### NOTICE OF AVAILABILITY FOR PUBLIC COMMENT OF RECIRCULATED PORTIONS OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LOWER KLAMATH PROJECT LICENSE SURRENDER FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 14803

To: Interested Parties Mailing List

Pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341), applicants for a federal license or permit for activities which may result in any discharge to waters of the United States must obtain water quality certification (certification) from the state in which the discharge occurs. Such certification must be based on a finding that the activity will meet water quality standards and other applicable requirements. In California, the State Water Resources Control Board (State Water Board) is responsible for taking action on certification applications for proposed activities that require a Federal Energy Regulatory Commission (FERC) license, license amendment, or license surrender order.

The Klamath River Renewal Corporation (KRRC) applied to the State Water Board for a Clean Water Act section 401 certification for the FERC license surrender of the Lower Klamath Project (Project). The State Water Board must comply with the California Environmental Quality Act (CEQA; Pub. Res. Code, § 21000 et seq.) when issuing a certification.

The State Water Board, as lead agency for CEQA compliance, has directed the preparation of an environmental impact report (EIR) for license surrender of the Project, in compliance with CEQA Guidelines. The following information is provided in satisfaction of the formal written notice requirements for the public review of recirculated sections and related appendices of the *Draft Environmental Impact Report for the Lower Klamath Project License Surrender (Draft EIR)*. The recirculated sections and appendices of the Draft EIR that are available for comment include: 1) Section 3.9, *Air Quality*; 2) Section 3.10, *Greenhouse Gas Emissions and Energy*; 3) Section 3.24.9, *Air Quality Cumulative Effects*; 4) Section 3.24.10, *Greenhouse Gas Emissions and Energy Cumulative Effects*; 5) Section 4.2.9, *Air Quality – No Project Alternative*; 6) Section 4.2.10, *Greenhouse Gas Emissions and Energy – No Project Alternative*; 7) Section 4.3.9, *Air Quality – Partial Removal Alternative*; 8) Section 4.3.10, *Greenhouse Gas Emissions and Energy – Partial Removal Alternative*; 9) Section 4.4.9, *Air Quality – Continued Operations with Fish Passage Alternative*; 10) Section 4.4.10, *Greenhouse Gas Emissions and Energy – Continued Operations with Fish Passage Alternative*; 11) Section 4.5.9, *Air Quality – Two Dam Removal Alternative*; 12) Section 4.5.10,

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

*Greenhouse Gas Emissions and Energy – Two Dam Removal Alternative; 13) Section 4.6.9, Air Quality – Three Dam Removal Alternative; 14) Section 4.6.10, Greenhouse Gas Emissions and Energy – Three Dam Removal Alternative; 15) Section 4.7.9, Air Quality – No Hatchery Alternative; 16) Section 4.7.10, Greenhouse Gas Emissions and Energy – No Hatchery Alternative; 17) Appendix N: Air Emissions Modeling for the Lower Klamath Project; and 18) Appendix O: Greenhouse Gas and Energy Modeling for the Lower Klamath Project (CEQA Guidelines, § 15087).*

**Applicant:** Klamath River Renewal Corporation

**Project Name:** Lower Klamath Project License Surrender

**Project Location:** Siskiyou County, California and Klamath County, Oregon

**Project Description:**

The Project is located on the Klamath River in Siskiyou County, California, and Klamath County, Oregon and involves a portion of the Klamath Hydroelectric Project (FERC Project No. 2082), which is owned and operated by PacifiCorp. The Klamath Hydroelectric Project presently consists of seven dams and associated facilities: 1) East Side; 2) West Side; 3) Keno; 4) J.C. Boyle; 5) Fall Creek (located on Fall Creek, a Klamath River tributary); 6) Copco No. 1; 7) Copco No. 2; and 8) Iron Gate. The J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate dams and associated facilities are known as the Lower Klamath Project.

On September 23, 2016, PacifiCorp and the KRRC filed a joint license transfer application with FERC that seeks to transfer the Lower Klamath Project to the KRRC. Concurrent with the license transfer application, the KRRC filed a license surrender application with FERC to decommission the Lower Klamath Project.

The Project primarily consists of the decommissioning and removal of the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate dams and associated facilities located on the Klamath River. The Project implements portions of the [Klamath Hydroelectric Settlement Agreement](#) (KHSA)<sup>1</sup>, as amended November 30, 2016. The KHSA seeks to return the Klamath River to free-flowing conditions and provide volitional fish passage in the portion of the Klamath River currently occupied by the Lower Klamath Project.

**Regulatory Background:**

When the State Water Board considers issuing a certification for a project, it evaluates whether the project will comply with the applicable water quality control plan(s) and whether the beneficial uses of the water bodies covered by the water quality control plan(s) will be protected. The California Regional Water Quality Control Boards (Regional Water Boards) have primary responsibility for the formulation and adoption of water quality control plans for their respective regions, subject to State Water Board and

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<sup>1</sup> Link to the KHSA: <http://www.klamathrenewal.org/wp-content/uploads/2017/04/2016.12.31-Executed-and-Amended-Final-KHSA.pdf>

United States Environmental Protection Agency (USEPA) approval, as appropriate. (Wat. Code, §13240 et seq.) The State Water Board may also adopt water quality control plans, which will supersede regional water quality control plans for the same waters to the extent of any conflict. (*Id.*, § 13170.) For a specified area, the water quality control plans designate the beneficial uses of waters to be protected, water quality objectives established for the reasonable protection of those beneficial uses or the prevention of nuisance, and a program of implementation to achieve the water quality objectives. (*Id.*, § 13241, §13050, subds. (h), (j).) The beneficial uses together with the water quality objectives that are contained in the water quality control plans and state and federal anti-degradation requirements constitute California's water quality standards.

Further, federally recognized Indian tribes may also designate beneficial uses and establish water quality objectives under section 518(e) of the Clean Water Act (33 U.S.C. § 1377). Beneficial uses and water quality objectives for the Klamath River are designated in the North Coast Regional Water Board's *Water Quality Control Plan for the North Coast Region* and the Hoopa Valley Tribe's *Water Quality Control Plan, Hoopa Valley Indian Reservation*. The Yurok and Karuk Tribes have separately applied to USEPA for treatment-as-a-state status under the Clean Water Act, and it is possible that other tribes may similarly apply for and receive such status.

The State Water Board has listed the Klamath River on the Clean Water Act Section 303(d) list<sup>2</sup>. The Klamath River and waterbodies associated with the Project are listed in *California's 2014 and 2016 California Integrated Report (Clean Water Act Section 303(d) List / 305(b) Report)*<sup>3</sup> for nutrients, organic enrichment/low dissolved oxygen, temperature, mercury, aluminum, sediment, and a liver toxin produced by blue-green algae, called microcystin.

### **Overview of Draft EIR and Recirculated Air Quality, Greenhouse Gas, and Energy Analysis Sections, including analyses of alternatives and cumulative effects, and Appendices N and O:**

On December 27, 2018, the State Water Board issued the Draft EIR for public comment. The Draft EIR disclosed and analyzed 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 considered alternatives to the Project. Alternatives analyzed in the Draft EIR included: 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

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<sup>2</sup> The Clean Water Act Section 303(d) list is a state's list of impaired and threatened waters.

<sup>3</sup> The [report](https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml) is available online at: [https://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2014\\_2016.shtml](https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml) (last accessed September 18, 2019).

Copco No. 1 dams); and Dam Removal with No Hatcheries. Comments on the Draft EIR were due February 26, 2019.

The State Water Board received more than 2,500 comments during the public comment period. Some comments addressed the adequacy of the Draft EIR's air quality, greenhouse gas, and energy analysis. In order to appropriately respond to comments received and to fully analyze the proposed project and project alternatives effects to air quality, greenhouse gas, and energy consumption, the State Water Board is recirculating Draft EIR sections and appendices pertaining to air quality, greenhouse gas emissions, and energy analysis (listed above).

Air quality, greenhouse gas emissions, and energy analysis sections (listed above) have been updated to address public comments on the Draft EIR by providing additional details regarding elements of the proposed project and project alternatives by incorporating new modeling information to support the assessment of potential impacts to those resources. The recirculated sections contain an expanded discussion of energy impacts, an updated significance threshold for greenhouse gas emissions, new estimates for ecosystem- and construction-related greenhouse gas emissions, new mitigation measures, and an updated cumulative impact assessment methodology for greenhouse gases and energy. The Air Quality section identifies significant impacts for which there are mitigation measures that will be implemented to prevent or avoid significant environmental impacts, as well as significant and unavoidable impacts. The Greenhouse Gas Emissions and Energy section identifies significant and unavoidable impacts.

**Public Review Period:**

Comments on the recirculated portions of the Draft EIR will be accepted from the date of this notice until February 6, 2020. **Comments on the recirculated portions of the Draft EIR must be received by 5:00 pm on February 6, 2020.** Consistent with the CEQA Guidelines, please limit comments to the recirculated portions of the Draft EIR (listed above). In accordance with Section 15088.5, subdivision (f)(2) of the CEQA Guidelines, in the final EIR the State Water Board will only respond to: (1) comments received during the initial circulation period that relate to the portions of the document that have not been revised and recirculated; and (2) comments received during the recirculation period that relate to the chapters or portions of the EIR that have been revised and recirculated. Comments on recirculated sections and associated appendices can be submitted electronically or by mail as follows:

**Email:**

[WR401Program@waterboards.ca.gov](mailto: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

In the subject line of your comments, please indicate “Lower Klamath Project Recirculated Draft EIR.” When submitting public comments, only comments submitted in accessible format (i.e., those that are in compliance with the Web Content Accessibility Guidelines 2.0, or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria) will be posted to the State Water Board’s website. All timely comments will be considered by the State Water Board.

The recirculated portions of the Draft EIR, and additional information about the Project, are available on the [Project webpage](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/ower_klamath_ferc14803.shtml), which is located online at:  
[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_quality\\_cert/ower\\_klamath\\_ferc14803.shtml](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/ower_klamath_ferc14803.shtml).

**Document Availability:**

With the exception of the Happy Camp Library, the recirculated portions of the Draft EIR will be available for review at the following locations no later than January 2, 2020<sup>4</sup>. Please note the days the locations are open are provided for convenience; locations may be closed on the indicated days for holidays or other reasons.

**Arcata Library**

500 7<sup>th</sup> Street  
 Arcata, CA 95521  
 (707) 822-5954  
 Open Tuesday – Saturday

**Butte Valley Branch Library**

800 W 3<sup>rd</sup> Street  
 Dorris, CA 96023  
 (530) 397-4932  
 Open Tuesday - Thursday

**Del Norte County Library  
Main Branch**

190 Price Mall  
 Crescent City, CA 95531  
 (707) 464-9793  
 Open Monday – Saturday

**Eureka Main Library**

1313 3<sup>rd</sup> Street  
 Eureka, CA 95501  
 (707) 269-1915  
 Open Tuesday – Saturday

**Happy Camp Library**

143 Buckhorn Road  
 Happy Camp, CA 96039  
 (530) 493-2964  
 Open Tuesday

**Hoopa Library – Kim Yerton  
Memorial**

370 Loop Road  
 Hoopa, CA 95546  
 (530) 625-5082  
 Open Tuesday – Saturday

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<sup>4</sup> Note the document will be available at the Happy Camp Library no later than January 7, 2020.

**Mt. Shasta Library**  
515 East Alma Street  
**Mt. Shasta, CA 96067**  
(530) 926-2031  
Open Monday – Saturday

**North Coast Regional  
Water Board**  
5550 Skylane Boulevard,  
Suite A  
**Santa Rosa, CA 95403**  
(707) 576-2220  
Open Monday – Friday

**Siskiyou County Library**  
719 4<sup>th</sup> Street  
**Yreka, CA 96097**  
(530) 841-4175  
Open Monday – Saturday

The recirculated portions of the Draft EIR are also available at the **State Water Board's office**, which is located at 1001 I Street, 2<sup>nd</sup> Floor (Room 2-114), **Sacramento, CA 95814**. The document is available at this location Monday – Friday during normal business hours, excluding state holidays. To make an appointment please call the Division of Water Rights phone line at (916) 341-5300.

### ***KEEP INFORMED OF PROJECT MILESTONES***

To receive emails related to the Lower Klamath Project, interested persons should enroll in the "Lower Klamath Project License Surrender" e-mail notification service. Instructions on how to sign up for the State Water Board's Email Subscription List are outlined below:

1. Visit the [State Water Board's Email Subscription webpage](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html#rights), online at:  
[https://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.html#rights](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html#rights)
2. Provide your name and email in the required fields.
3. In the categories below the email and name fields, select "Water Rights," then "Lower Klamath Project License Surrender."
4. Click the "Subscribe" button.
5. An email will be sent to you. You must respond to the email message to confirm your membership on the selected list(s).

By enrolling in this email list, you will receive notices pertaining to the Division of Water Rights' work on the Lower Klamath Project. If you do not have internet access or do not wish to participate in the email subscription list, you may contact Ms. Michelle Siebal by phone at (916) 322-8465 to request to receive notices by mail. You can enroll or un-enroll from the email subscription service at any time.

If you have questions regarding this notice, please contact Project staff by email at [WR401Program@waterboards.ca.gov](mailto:WR401Program@waterboards.ca.gov), or Ms. Michelle Siebal by phone at (916) 322-8465.

Sincerely,

          ORIGINAL SIGNED BY            
Erin Ragazzi, Assistant Deputy Director  
Division of Water Rights

          December 21, 2019            
Date

cc: Interested Parties List (electronic and hard copy)