



YUROK TRIBE

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August 23, 2018

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

RE: Yurok Fisheries Department Comments regarding Draft Water Quality Certification for Klamath River Renewal Corporation's Lower Klamath Project, Federal Energy Regulatory Commission, Project No. 14803

Aiy-ye-kwee' Ms. Siebal,

Please accept the Yurok Tribe's comment submission to the State Water Resources Control Board regarding the Draft Water Quality Certification for Klamath River Renewal Corporation's Lower Klamath Project, Federal Energy Regulatory Commission, Project No. 14803. As the Water Board is aware, as the original and current inhabitants of the lower Klamath River, the Yurok Tribe maintains an unparalleled interest in the removal of the four Klamath River dams. These dams severely impact the health and long-term viability of the Klamath fishery and, concurrently, the health and well-being of the Yurok Tribe.

We offer comments specific to the Draft Water Quality Certification and to the Water Board's proposed process, more broadly. The Yurok Tribe is compelled to raise the issue of proper tribal consultation, which we find lacking in the draft. As the body implementing the provisions of the federal Clean Water Act and National Environmental Policy Act, the Water Board must require the licensee to adhere to the consultation requirements through the federal-tribal relationship. The Yurok Tribe—like the Karuk Tribe, the Klamath Tribes, and the Hoopa Valley Indian Tribe on the Klamath River—have essential trust resources implicated by the dam removal project. While the result of dam removal is projected to be very positive to these resources, the Water Board must be more active in its tribal consultation requirements and not relegate tribal expertise—an expertise that spans across the entire dam removal project—to a general statement encouraging tribal consultation. For example, Restoration, Condition #13, and Water Quality Monitoring and Adaptive Management, Condition #1, require consultation only with state agencies, no tribes, to develop restoration and monitoring plans. Plainly stated, a dam removal process without significant tribal input and guidance will fail. And, since the Yurok Tribe will experience the impacts of dam removal most strongly on the lower forty-four miles of river that cut through our reservation, the failure to include the tribe in all aspects of dam removal is improper.

Again, thank you for considering the following comments of the Yurok Tribe:

- Many of the plans to be developed and subsequently approved by the Deputy Director throughout the plan refer to the plans including “comments received during the consultation process”: What consultation process is being referred to?

❖ Condition 1, Water Quality Monitoring and Adaptive Management:

- We feel strongly that the 60-mile gap in monitoring stations between Iron Gate and Seiad Valley is improper. We recommend having one monitoring location downstream of Iron Gate Dam and above the Shasta River. We also recommend having a second monitoring location located between the mouths of the Shasta River and the Scott River. Understanding the impacts of these tributaries to the mainstem Klamath is critical to parsing the effects of dam removal on the Klamath River. To offset these costs, we recommend consolidating the number of stations between J.C. Boyle Reservoir and Copco Reservoir.
- We are concerned about the reduction of monitoring on the Yurok Reservation. We recommend keeping all of the sites that Interim Measure 15 (IM15) of the Klamath Hydroelectric Settlement Agreement (KHSA) is currently monitoring. These monitoring locations help document the changes in water quality as it enters the Yurok Reservation, and to remove these sites ignores the extensive discussion that occurred between multiple entities when negotiating the KHSA.
- The Yurok Tribe also recommends the addition of event-based sampling for suspended sediment concentrations (SSC), and that the wording in the draft certification states the requirement of the Klamath River Renewal Corporation (KRRC) to link this SSC data to turbidity data. This data should also be used for the “Sediment Load Quantification.”
- For *Category 3*, Klamath Riverbed Sediment Grab Samples, sampling in the estuary should occur with the consultation of the Yurok Tribe.
- It is unclear how monitoring will continue post draw down. We suggest that at least three years of monitoring be required. Ideally, there would be five years of post-draw down monitoring in the Klamath River.
- The draft certification calls for the KRRC to develop a water quality monitoring and adaptive management plan in consultation with staff from SWRCB, North Coast Regional Water Quality Control Board (NCRWQCB), Oregon Department of Environmental Quality (ODEQ), and California Department of Fish and Wildlife CDFW. On page 34, the draft certification calls for the KRRC to develop a Restoration Plan in consultation with staff from the NCRWQCB, SQRCB, and the CDFW. We recommend that the Yurok Tribe, along with other local Indian tribes whose ancestral home is in the Klamath River basin, be consulted with in the development of these plans.

- For *Types of Sampling and Frequency by Category*:
- Recommend that DO % Saturation values from the Sonde be calculated in DO % Local, and not just DO% Saturation.
- Recommend not averaging interval recordings as this could lose some of the dynamics in the data set. We recommend 15-minute interval readings, but if this requires too much electricity for the systems, we recommend recording data at a maximum of 30-minute intervals.
- *Category 2, Water Quality Grab Samples*:
 - We are unclear what is meant by “microcystin toxicity.” We recommend changing this to “microcystin toxin concentration.”
 - The draft water quality monitoring plan includes organic phosphorus in the list of parameters for water quality grab samples. Please clarify whether or not this is intended to be particulate organic phosphorus, which is a parameter in IM15.
 - We recommend the draft water quality monitoring plan include a requirement of width and integrated samples along an entire river cross section for SSC. This should be done in accordance with United States Geologic Survey (USGS) methodology. This does not need to be done at every station that is required in the IM15 monitoring plan, but should be a separate plan. It is also the recommendation of the Yurok Tribe that this SSC monitoring be event driven and not just monthly, as SSC forms a potential exponential relationship with stream discharge.
 - Is “settleable solids” intended to be worded as such, or is it intended to be “total suspended solids?”
 - Is “total aluminum” meant to be “total recoverable aluminum”? Please clarify.
 - Chlorophyll-a should be added to the list of parameters for water quality grab samples. These samples can be used as quality assurance to check the Chlorophyll-a probes from the Sondes. Additionally, this is a parameter that is commonly collected in IM15.
- *Category 3, Klamath Riverbed Sediment Grab Samples*:
 - PCB, DDT, DDE, and dioxin are typically associated with organic carbon. In addition to analyzing the sediment samples for contaminants, we also recommend that the sediment samples be analyzed for sediment size composition and percent organic carbon.

- We recommend that there be additional guidance on where Klamath riverbed sampling occurs. We recommend the requirement of sediment grab samples to occur in depositional zones, such as side channels and back water habits. The presence of pre-existing fine sediments could be a good indication that the location will continue to accumulate fines.
- *Category 3, Sediment Load Quantification:*
 - Recommend that sediment loads and estimates of erosion and deposition be done in a way that is similar to the Elwha River dam removal.¹
 - Please indicate what time periods the sediment load reports should cover.
 - We suggest editing part of this sentence “For (a) and (b) estimates shall be provided in million cubic yards, tons (dry weight), and percentage of sediment present compared to total amount of sediment present prior to drawdown” so it reads “...of sediment present within the reservoirs prior to drawdown” (underlined text is the addition).

❖ Condition 5, Aquatic Resources:

- *Aquatic Measure 1, Action 1, Tributary-Mainstem Connectivity, 3rd paragraph:*
 - In regard to monitoring tributary-mainstem connectivity, we think it is important that this monitoring continue to happen until a bed mobility causing flow event occurs. A five-year event (approximately 10,908 cfs²) would likely be sufficient, however the 10-year event would result in more mobility (but it may not happen for a long time).
 - It is not clear the monitoring would be required following the first such geomorphic event, even if the event occurred after the initial two years following dam removal. It should be clarified that this monitoring will be required until such geomorphic event occurs, even if after two years.

¹ Warrick, J.A., J.A. Bountry, A.E. East, C.S. Magirl, T.J. Randle, G. Gelfenbaum, A.C. Ritchie, G.R. Pess, V. Leung, and J.J. Duda. 2015. *Large-Scale Dam Removal on the Elwha River, Washington, USA: Source-to-Sink Sediment Budget and Synthesis*. *Geomorphology* 246:729–750. doi: 10.1016/j.geomorph.2015.01.010.

² USFWS, 2016. Technical memorandum from Conor Shea, Nicholas J. Hetrick, and Nicholas Som, Arcata U.S. Fish & Wildlife Office, *Response to Request for Technical Assistance - Sediment Mobilization and Flow History in Klamath River below Iron Gate Dam*.

❖ Condition 13, Restoration:

- Bullet #2: We recommend that identification of sites for restoration activities be allowed beyond two years following dam removal, as this could be dynamic following a geomorphic flow event. The same comment applies to bullet #7 of this condition.

❖ Condition 21, Consultation:

- It is very frustrating that the document repeatedly refers to consulting with state and federal agencies, yet no such requirement is listed for consulting with tribes. The closest the document comes to acknowledging consultation with tribes is the soft language in this section. Given the role the Yurok Tribe has fulfilled in getting to the point of dam removal, it is extremely frustrating to have such a minimal role identified for the development of future plans associated with dam removal.

As much as any party involved in the dam removal process, the Yurok Tribe wants the process to be successful. We are more than an interested party—our very existence depends on a healthy, restored Klamath River. Dam removal is a part of this process and the tribe has expertise that must be relied on to ensure the project creates the intended long-term benefits.

Sincerely,

A handwritten signature in black ink, appearing to read "T. P. O'Rourke, Sr.", written in a cursive style.

Thomas P. O'Rourke, Sr.
Chairman, Yurok Tribe