



Water Boards

Frequently Asked Questions

Decommissioning Dams on the Klamath River (Lower Klamath Project License Surrender)

The Klamath River Renewal Corporation (KRRRC), 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 License Surrender](#) (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 KRRRC 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). On December 27, 2018, the State Water Board released a draft Environmental Impact Report (EIR) analyzing the impacts of the dam removal project. The State Water Board received more than 2,500 comments on the Draft EIR. In response to comments received, on December 21, 2019, the State Water Board released a limited recirculation of portions of the Draft EIR, triggering a 45-day comment period, which will end on February 6, 2020.

Why is removal of the dams being proposed?

The KRRRC 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. Dam removal proponents 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 in part due to large cyanobacteria (blue-green algae) blooms of *microcystin aeruginosa*, which produces a hepatotoxin (microcystin) that affects liver function. The existing dams alter river flow and contribute to water quality problems, including toxic blue-green 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 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.

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 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. On December 27, 2018, the State Water Board released a Draft EIR analyzing the impacts of the dam removal project. The State Water Board received more than 2,500 comments on the Draft EIR. In response to comments received, on December 21, 2019, the State Water Board released a limited recirculation of portions of the Draft EIR, triggering a 45-day comment period, which ends at 5:00 pm on February 6, 2020.

What is a recirculation and why is it needed?

A lead agency, in this case the State Water Board, is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification of the final EIR.

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 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.

During the original Draft EIR public comment period, which began December 27, 2018, and ended February 26, 2019, the State Water Board received over 2,500 public comments. 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. Air quality, greenhouse gas emissions, and energy analysis sections 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 recirculated portions of the Draft EIR were released for public comment on December 21, 2019 and comments are due by 5:00 pm on February 6, 2020. **Public comment should be limited to the recirculated portions of the Draft EIR.**

How can I comment on the Recirculated Portions of the Draft EIR?

Information on how to submit comments is provided in the [Notice of Availability](#). Comments on the recirculated portions of the Draft EIR are due **no later than 5:00 pm on February 6, 2020**. In accordance with the CEQA Guidelines (14 CCR § 15088.5(f)(2)), the State Water Board requests that commenters limit their comments to the recirculated sections of the EIR. 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

In addition to being available on the State Water Board Lower Klamath Project License Surrender webpage and at the State Water Board’s main office, located at 1001 I Street, Sacramento CA 95814, the recirculated Draft EIR sections will be available in hard copy at the below locations by January 2, 2020 (with the exception of the Happy Camp Library¹):

Arcata Library

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

Butte Valley Branch Library

800 W 3rd 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 3rd 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

¹ 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 Library719 4th Street**Yreka, CA 96097**

(530) 841-4175

Open Monday – Saturday

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.

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 included 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 happens next?

State Water Board staff released recirculated portions of the Draft EIR on December 21, 2019, which will be followed by a 45-day comment period that will end on February 6, 2020. State Water Board staff will consider comments on the recirculated portions of 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 Spring 2020.

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 are considering 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: WR401Program@waterboards.ca.gov or by phone at: (916) 322-8465.

(This fact sheet was last updated on December 23, 2019.)