

1 INTRODUCTION

1.1 Authorization, Purpose, and Use of EIR

The Klamath River Renewal Corporation (KRRRC) has applied to the Federal Energy Regulatory Commission (FERC) to decommission and remove the four Lower Klamath Project dams and associated facilities to create a free-flowing Klamath River and provide for volitional fish passage in the Klamath River.

FERC is the federal agency that licenses the construction, operation, and decommissioning of most non-federal hydroelectric dams in the United States. The KRRRC has applied to FERC to surrender the hydropower license for the Lower Klamath Project. Under section 401 of the federal Clean Water Act, the KRRRC has applied to the State Water Resources Control Board (State Water Board) for certification of whether – and under what conditions – the proposed dam removal can comply with California’s water quality standards. FERC incorporates the terms of any water quality certification into the licenses or surrender orders it issues.

The State Water Board is the Lead Agency responsible for complying with the California Environmental Quality Act (CEQA)⁵ for the Lower Klamath Project License Surrender (Proposed Project). This environmental impact report (EIR) was prepared in conformance with CEQA. CEQA requires the Lead Agency to prepare an EIR when there is substantial evidence that a project could have a significant effect on the environment.

This EIR focuses on impacts related to actions proposed in the California portion of the Lower Klamath Project (FERC Project No. 14803) located along the Klamath River in Siskiyou County, California, including the Copco No. 1, Copco No. 2, and Iron Gate dam complexes. Actions at the J.C. Boyle dam complex, located in Klamath County, Oregon, and other actions of the Proposed Project in Oregon will be described in general terms, but the discussion of environmental impacts in this EIR will be limited to those with the potential to adversely impact the California environment. On September 7, 2018, Oregon’s Department of Environmental Quality (ODEQ) issued a water quality certification based on a separate certification application for the Lower Klamath Project that addresses water quality impacts in Oregon from the Proposed Project, including removal of the J.C. Boyle dam complex. FERC and other federal agencies are analyzing impacts of the Proposed Project in both states.

The purpose of this EIR is to inform the public and decision makers of the significant environmental effects of the Proposed Project, to identify possible ways to minimize those effects, and to describe reasonable alternatives that would feasibly attain most, if not all of the basic objectives of the Proposed Project (Section 2.1 *Project Objectives*).

The EIR process is specifically designed to evaluate and disclose the potentially significant direct, indirect, and cumulative effects of the Proposed Project, and to describe reasonable alternatives to the Proposed Project that could avoid or reduce those effects, while feasibly attaining most, if not all, of the Proposed Project’s basic objectives (Section 2.1 *Project Objectives*).

⁵ Public Resources Code, sections 21000 et seq.

1.1.1 CEQA Guidance Regarding State Boundaries

Public Resources Code, section 21080, subdivision (b) (14), establishes that CEQA does not apply to “any project or portion thereof located in another state which will be subject to environmental impact review pursuant to the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. Sec. 4321 et seq.) or similar state laws of that state. Any emissions or discharges that would have a significant effect on the environment in this state are subject to [CEQA].”

Since the Proposed Project is required to comply with NEPA, this EIR does not evaluate portions of the Proposed Project in Oregon. There are two exceptions to this approach:

1. This EIR evaluates portions of the Proposed Project in Oregon for which the impacts may cross into California and potentially affect California resources. These impacts are evaluated starting at the Oregon-California state line. For example, removal of J.C. Boyle Dam in Oregon, which is part of the Proposed Project and some alternatives, would affect hydrology and water quality in California.
2. This EIR examines potential significant Project-related impacts to California environmental resources (e.g., anadromous fish) that move into Oregon and subsequently move back into California as a result of the Proposed Project or alternatives.

1.2 Brief Introduction to the Proposed Project

The Proposed Project is a restoration project on the Klamath River to decommission and remove four hydroelectric dams and implement a range of associated measures. The Proposed Project includes removal of the dams and associated facilities, road improvements, modifications to hatcheries, restoration activities, and measures to address some of the potential environmental and quality-of-life impacts of the restoration project. The hydroelectric dams proposed for removal are Copco No. 1 Dam ([River Mile [RM] 201.8), Copco No. 2 Dam (RM 201.5), and Iron Gate Dam (RM 193.1) in Siskiyou County, California and J.C. Boyle Dam (RM 229.8), in Klamath County, Oregon (see Figure 2.2-1). Together, these dams and their associated facilities constitute the Lower Klamath Project (FERC Project No. 14803). Please see Section 2 *Proposed Project* for more detailed information.

1.3 Scope and Content of the EIR

This EIR evaluates the environmental impacts of the Proposed Project relative to a number of environmental issue areas. This EIR provides information in accordance with CEQA Guidelines sections 15120 to 15132, as follows.

Volume I

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| Section 1 | Introduction – This section introduces the EIR with information on: authorization, purpose, and use of the EIR; brief introduction to the Proposed Project; scope and content of the EIR; EIR process overview; and public involvement and agency consultation during preparation of the EIR. |
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- Section 2 Project Description – This section provides a summary description of the Proposed Project, including Proposed Project objectives; location; existing features; surrounding land ownership, land use, and land cover; background information on Klamath Basin water conflicts, the relationship between the Proposed Project and other local hydroelectric facilities, Klamath Basin settlement agreements, and prior/related environmental reviews; Proposed Project components including, but not limited to, schedule, deconstruction activities, restoration activities, and operation of hatcheries; and intended uses of the EIR.
- Section 3 Environmental Setting, Potential Impacts, and Mitigation Measures – This section provides a description of the environmental setting for all relevant issue areas. Significance criteria for the impact analyses are presented by issue area. As applicable, the issue areas address compliance with relevant plans. Each resource area analyzes potential impacts, along with potential mitigation measures for significant impacts. This section evaluates the impacts as either having no significant impact, no significant impact with mitigation, significant and unavoidable impact, significant and unavoidable with mitigation, or a beneficial effect. The potential incremental impacts of the Proposed Project when combined with other closely related past, present, and reasonably foreseeable future projects (i.e., cumulative impacts) are also analyzed in this section.
- Section 4 Alternatives – This section provides a discussion of the selection of a range of reasonable alternatives to the Proposed Project. For each alternative carried forward for analysis in this EIR, the potential environmental impacts are analyzed by resource area, including analysis of potential mitigation measures for significant impacts.
- Section 5 Other CEQA Considerations – This section provides an evaluation of irreversible and irretrievable commitment of resources and potential growth-inducing impacts and discusses consideration of social and economic factors under CEQA.

Volume II

Technical Appendices – This volume includes all technical appendices to the EIR.

1.4 EIR Process Overview

As Lead Agency, the State Water Board made the determination to prepare an EIR based on a preliminary evaluation of the potential environmental effects of the Proposed Project. The State Water Board issued a Notice of Preparation on December 22, 2016 (please see Section 1.5.1 *Scoping Meetings* for a description of scoping and other meetings to solicit public and agency input).

Stillwater Sciences⁶, the State Water Board's CEQA contractor, then prepared working draft documents at the direction of State Water Board staff. State Water Board staff reviewed these working drafts, and comments and revisions were incorporated to constitute the Draft EIR.

This Draft EIR is being circulated for agency and public review. The comment period concludes at 12:00 p.m. on February 26, 2019. During the comment period, the State Water Board will also hold four public meetings on the Draft EIR, as described in the Notice of Availability of a Draft EIR. The State Water Board will review all comments received on the Draft EIR and will prepare written responses to comments raising significant environmental issues, consistent with the requirements of CEQA Guidelines section 15088. The Final EIR will include responses to comments and any changes to the Draft EIR. Written responses will be sent to those public agencies that provided timely comments on the EIR at least 10 days prior to certification of the Final EIR.

The State Water Board will review and consider the EIR, including comments and responses prior to making a decision on issuance of a water quality certification. If the State Water Board concludes that the EIR reflects the State Water Board's independent judgment and has been prepared in accordance with CEQA and the CEQA Guidelines, the State Water Board will certify the Final EIR (CEQA Guidelines section 15090). The State Water Board will make findings regarding each significant effect identified in the EIR (Pub. Resc. Code, sec. 21081). The State Water Board will consider the information in the EIR, along with any other available information, in making its decision on whether and under what conditions to issue water quality certification for the Lower Klamath Project (CEQA Guidelines section 15121).

1.5 Public Involvement and Agency Consultation in Preparing Draft EIR

The State Water Board received invaluable input from public stakeholders and other federal, state, and local agencies and Native American Tribes in the development of its Draft EIR.

As part of the environmental review process, the State Water Board issued its *Notice of Preparation and Scoping Meetings for an Environmental Impact Report for the Lower Klamath Project License Surrender* (NOP) on December 22, 2016. The NOP was out for a 42-day public comment period from December 22, 2016 to February 1, 2017 (see also Appendix A). The State Water Board held three public scoping meetings in the cities of Arcata, Sacramento, and Yreka in January 2017 to solicit public and stakeholder input. The State Water Board notified all relevant agencies on the State Clearinghouse list of potential responsible and trustee agencies, as well as interested groups, organizations, and individuals, that the State Water Board would prepare an EIR for the Proposed Project, and published notice of the scoping meetings and of issuance of the Notice of Preparation in the Siskiyou Daily, Eureka Times Standard, and Sacramento Bee.

The State Water Board also engaged in robust consultation with other public agencies and Native American Tribes, as detailed below in Section 1.5.3.

⁶ Stillwater Sciences is the primary consultant firm developing this EIR at the direction of the State Water Board. Additional consultants supporting Stillwater Sciences include SHN Engineers and Geologists, and William Rich and Associates.

The State Water Board issued a Scoping Report (see Appendix A), which documents the scoping process, including the NOP, the content of the public scoping meetings and all comments received. A summary of the scoping meetings and environmental issues raised during this public involvement process follows.

1.5.1 Scoping Meetings

The State Water Board recognizes the complex and controversial nature of the proposed Lower Klamath Project; that different communities along the Klamath River have different input to provide, and that travel for community members might be difficult. In this context, valuable community input may have been lost under CEQA's minimum requirement of one scoping meeting. To facilitate community input, the State Water Board conducted three scoping meetings during the NOP comment period.

Table 1.5-1. Public Scoping Meetings - Dates and Locations.

Arcata, CA
January 12, 2017 (5:00 pm–7:00 pm) D Street Neighborhood Center 1301 D Street Arcata, CA 95521
Sacramento, CA
January 20, 2017 (10:00 am–12:00 pm) CalEPA Building – Byron Sheet Auditorium 1001 I Street, 2nd Floor Sacramento, CA 95814
Yreka, CA
January 26, 2017* (5:00 pm–7:00 pm) Best Western Miner's Inn – Convention Center, Auditorium 122 E. Miner Street Yreka, CA 96097

* The Yreka public scoping meeting was originally scheduled for January 10, 2017. On January 9, 2017, the State Water Board canceled the Yreka scoping meeting due to inclement weather and a strong advisory against travel from the National Oceanic and Atmospheric Administration's National Weather Service. On January 10, 2017, the State Water Board rescheduled the Yreka scoping meeting for January 26, 2017.

1.5.2 Scoping Comments

The State Water Board received 83 oral and eight written comments during the public scoping meetings, as well as over 1,300 written comments submitted via email or letter. All comments referenced in the Scoping Report were considered in development of the EIR.

The Scoping Report summarizes the issues raised under each of the topics and provides the text of both oral and written comments (Appendix A, Scoping Report, section 4.2). Scoping comments addressed a wide range of environmental and other issues, which are listed below:

- Overall EIR scope
- Environmental baseline
- KRRC's Proposed Project
- No Project Alternative
- Other project alternatives suggested during scoping
- Incorporation of findings from past studies
- Fish/fisheries
- Water quality
- Water supply
- Hydrology
- Sediment
- Recreation
- Economics
- Property value
- Tribal cultural and historical resources
- Paleontologic resources
- Energy production and greenhouse gases
- Wildlife
- Riparian habitat
- Agriculture
- Public health and safety
- Aesthetics
- Environmental law compliance
- Cumulative impact analysis
- Source data and information
- Other comments
- Comments not relating to the scope or content of the EIR

1.5.3 Agency and Tribal Consultation

Consistent with CEQA Guidelines, section 21104(a), as part of the EIR development, the State Water Board consulted with and obtained comments from public agencies that have expertise related to the Proposed Project, and the county in the Proposed Project location. Similarly, consistent with Public Resources Code section 21080.3.1, the State Water Board consulted with California Native American Tribes traditionally and culturally affiliated with the geographic area of the Proposed Project who requested consultation. A short description of the consultations with each agency and tribes is outlined below:

CALFIRE:

- Hosted a conference call with CALFIRE staff on November 6, 2018, to discuss Lower Klamath Project dam removal and current firefighting methods in Siskiyou County.

California Coastal Commission

- Attended a public meeting with Coastal Commission staff on April 13, 2017, and associated email communications.

California Department of Fish and Wildlife (CDFW)

- Regular in-person meetings and coordination calls, including participation in KRRC Technical Workgroup Inter-agency meetings.

California Natural Resources Agency

- Regular coordination calls.

National Marine Fisheries Service (NMFS)

- Coordination calls, as needed, including participation in KRRC Technical Workgroup Inter-agency meetings.

Native American Tribes

- Series of tribal consultation meetings under Assembly Bill 52⁷ with Shasta Nation, Shasta Indian Nation, and Yurok Tribe.
- In-person meetings with the Karuk Tribe and Hoopa Valley Tribe

North Coast Regional Water Quality Control Board

- Various meetings and emails.
- Attended in-person North Coast Regional Water Quality Control Board meeting in City of Weed on April 19, 2018, with State Water Board Member Steve Moore.

Oregon Department of Environmental Quality

- Regular telephonic communications.

⁷ Statutes 2014, Chapter 532, Gatto.

Siskiyou County

- July 11, 2017 – State Water Board staff and State Water Board member Steve Moore, attended a public meeting of the Siskiyou County Board of Supervisors and presented on the status of the Draft EIR.
- April 19, 2018 – in-person meeting with County's designated contact and consultants.
- August 14, 2018 – State Water Board staff attended a public meeting of the Board of Supervisors and presented on the status of the draft EIR.

United States Bureau of Reclamation (USBR)

- Coordination calls, as needed.

United States Fish and Wildlife Service (USFWS)

- Coordination calls, as needed, including participation in KRRC Technical Workgroup Inter-agency meetings.

United States Geological Survey (USGS)

- Coordination calls, as needed.