

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD
DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE LOWER KLAMATH PROJECT

QUESTIONS & ANSWERS

DECEMBER 28, 2018

What is CEQA?

The California Environmental Quality Act (CEQA) is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

The CEQA process is intended to help preserve and enhance the environment and public health and safety and to facilitate public input on projects in the state of California that may significantly impact the environment.

Who is required to conduct a CEQA review?

CEQA applies to all “discretionary projects” that have the potential to result in a physical change to the environment in California. A discretionary project is a project that requires a discretionary approval by a government agency in California (e.g., a permit). Every project that requires a discretionary governmental approval requires at least some environmental review pursuant to CEQA, unless an exemption applies. The entity responsible for conducting the CEQA review is the public agency responsible for the discretionary approval.

Who is the lead agency for the CEQA analysis?

The California State Water Resources Control Board (SWRCB or Water Board) is the designated lead agency for KRRC’s proposed dam removal project and will ensure CEQA compliance for all dam removal efforts.

Why is a CEQA analysis required for the Lower Klamath project?

KRRC requires a Clean Water Act Section 401 water quality certification from the SWRCB for the removal of the three dams in California: Iron Gate, Copco 1, and Copco 2. The SWRCB's decision to issue a 401 certification to KRRC is a discretionary action and requires environmental review. KRRC's application for a 401 certification is what "triggered" the SWRCB's CEQA review.

The EIR assesses potential impacts to water quality and other resources within California as compared to the existing conditions (environmental baseline) and compared to a range of project alternatives.

How does this CEQA process relate to the 401 Certification KRRC requires from the SWRCB?

The federal Clean Water Act Section 401 requires state governments to certify that any discharge into navigable waters, including water releases from a hydroelectric project, complies with water quality standards. KRRC requires a 401 certification from the California SWRCB for the removal of the three dams in California. The SWRCB issued its draft 401 certification in June 2018 but must perform a CEQA analysis before it can make a final decision on the 401 certification. The SWRCB will incorporate the findings and recommendations from the final EIR into the 401 certification.

What is an environmental impact report (EIR)?

An environmental impact report (EIR) is a written record of environmental impacts and assessments (CEQA analysis) performed by the lead agency. The report is provided to the public and to California government agencies responsible for issuing permits for the project. The EIR identifies and examines the likely environmental effects of a proposed project and typically recommends or requires measures to avoid, mitigate, and offset those environmental impacts.

What is a draft environmental impact report (DEIR)?

The Draft Environmental Impact Report (DEIR) issued by the State Water Resources Control Board (SWRCB) on December 27, 2018 is a preliminary report for review by the public. The CEQA process includes an over 60-day period for public comments on the draft EIR (DEIR). After the public comment period, the SWRCB will review public comments, prepare responses to those comments, and may make adjustments to the conclusions or recommendations of the DEIR based on public comments. The Final EIR, expected in Summer 2019, will provide the Water Board's final conclusions and assessments regarding project impacts and required mitigations.

What is KRRC's role in the CEQA analysis?

KRRC is the “applicant” for a 401 certification from the SWRCB. As part of the FERC process, KRRC provided the SWRCB with a copy of its Definite Plan for the Lower Klamath Project, issued in June 2018, that provides comprehensive details about dam removal and reservoir restoration activities. KRRC will carefully review and evaluate all findings and recommendations in the DEIR and may submit comments to the SWRCB on aspects of the analysis or recommended mitigations. Once the EIR is final and KRRC has received all necessary regulatory approvals, KRRC will also be responsible for implementing the mitigation measures required in the final EIR.

What kinds of environmental impacts are covered in the CEQA analysis?

Under CEQA, a lead agency must assess if there are significant potential impacts from a proposed project in the following environmental categories:

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems
- Mandatory Findings of Significance

Some of these potential impacts will be studied in depth, while others may be found to be insignificant and therefore not discussed in detail in the EIR.

The SWRCB performed early public consultation on the project with stakeholders (“scoping”), Native American Tribes, other members of the public, and other interested government agencies

from December 2016 to February 2017 to help determine the range of actions, alternatives, mitigation measures, and significant effects of the project to be analyzed. Two hundred seventy individuals provided written or oral comments to the SWRCB. Based on feedback received during the scoping process, the DEIR analyzes impacts and mitigation measures for a range of environmental resource areas, including biological resources, greenhouse gas emissions, cultural resources, hydrology and water quality, air quality, and transportation/traffic.

Under CEQA, an EIR also considers alternatives to the proposed project which have the potential to meet project objectives, as well as a “no project” alternative. The DEIR for the Lower Klamath Project considers several alternatives to the proposed project: 1) No Project; 2) Partial Removal; 3) Continued Operations with Fish Passage; 4) Three Dam Removal (removal of Iron Gate, Copco No. 1, and Copco No. 2 dams); 5) Two Dam Removal (removal of Iron Gate and Copco No. 1 dams); and 6) Dam Removal with No Hatcheries.

Why does CEQA examine alternatives to the proposed project, including relicensing the dams?

California law requires that the agency conducting CEQA analysis consider “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project,” (California Code of Regulations, Article 9, section 15126.6) and evaluate the comparative merits of those alternatives. The alternatives considered must be feasible and achieve the same basic objectives of the proposed project.

The law also requires that a lead agency consider a “no project” alternative for the purpose of comparing benefits and impacts from the proposed project to the benefits and impacts of not implementing the project.

How can members of the public respond to the DEIR? What is the public comment period for the DEIR?

The DEIR will be available for public review and comment for over 60 days. During this time, any stakeholder or member of the public can submit comments so the SWRCB understands the concerns or objectives of all interested parties. The deadline for comments is 12:00 pm on February 26, 2019.

Additionally, the Water Board will host public meetings on the DEIR. The schedule for these public meetings is 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, 2 nd 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.

Will KRRC submit comments to the SWRCB on the DEIR?

KRRC will carefully review the analysis, conclusions, and recommended mitigations in the DEIR and will submit comments to the SWRCB.

When will California issue its final EIR?

According to the SWRCB, California’s final EIR is expected to be issued in Summer 2019.