



# Fact Sheet

## ***Frequently Asked Questions***

### **Decommissioning Dams on the Klamath River**

#### **Why is removal of the four dams being proposed?**

The Klamath River Renewal Corporation (KRRRC) wants to create a free-flowing river and provide for unaided fish passage in accordance with the Klamath Hydroelectric Settlement Agreement. Proponents of the dam removals point out that blocking fish passage adversely impacts commercial, recreational and subsistence fishing, as well as tribal cultures. By altering river flow, the dams contribute to water quality problems that imperil fish, including low dissolved oxygen and higher water temperatures. Additionally, tribal ceremonies and recreational activities can be disrupted by poor water quality caused by cyanobacteria (blue-green algae), natural components of ecosystems that can “bloom” and produce harmful toxins that threaten the health of humans, animals, and fish in the lower reaches of the river.

If approved and implemented, the project will restore the Klamath River below J.C. Boyle Dam to more natural conditions, improving water quality and ensuring a more natural range of water temperatures. These changes are expected to result in benefits for fish populations by increasing access to historical habitat, restoring mainstem and tributary habitat, and improving biological and physical factors that heavily influence fish (e.g., flow conditions, sediment and bedload transport, water quality, disease, toxic algal blooms, and water temperature).

#### **What does dam removal require?**

The KRRRC filed an application for water quality certification with the State Water Resources Control Board for the [Lower Klamath Project License Surrender](#), which is also referred to as Federal Energy Regulatory Commission Project (FERC) No. 14803. Pursuant to the amended [Klamath Hydroelectric Settlement Agreement](#), 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 to revive the imperiled salmon population and restore its natural habitat. The dams are owned by PacifiCorp and located on the Klamath River, with three in California and one in Oregon.

Dam decommissioning and removal requires a license surrender order from FERC, which triggers the need for environmental review and water quality certification. Pursuant to Section 401 of the Clean Water Act, the State Water Board’s regulatory role is limited to certifying that the project does not violate water quality standards and



complies with the California Environmental Quality Act (CEQA). The conditions are included in the FERC license.

## **What is the role of the Klamath River Renewal Corporation?**

The KRRC is a nonprofit organization formed to take ownership of the dams from PacifiCorp and apply to FERC for their removal. Additionally, the company seeks to implement the Klamath Hydroelectric Settlement Agreement, which was executed and subsequently amended by PacifiCorp, the U.S. Department of Interior, the U.S. National Marine Fisheries Service, the states of California and Oregon, several tribes, and environmental, fishing and irrigation groups. The agreement authorizes entities such as the KRRC to remove the dams and associated facilities through the FERC process and allows them to operate them until removal. PacifiCorp and the KRRC have asked FERC to transfer ownership of the Lower Klamath Project to the nonprofit.

## **What is the connection between the Klamath Hydroelectric Project and the Lower Klamath Project?**

The Lower Klamath Project is part of the larger Klamath Hydroelectric Project, which is also owned and operated by PacifiCorp and includes other hydropower facilities (Eastside, Westside, Keno Dam, Fall Creek). The corporation's relicensing of the hydroelectric project was placed in abeyance by FERC on June 16, 2016.

Additionally, the Lower Klamath Project incorporates portions of the Klamath Hydroelectric Settlement Agreement, a collaboration that began in 2010 and includes PacifiCorp, KRRC, numerous other federal, state and local agencies, along with tribes, environmental, conservation and fishing groups.

## **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, it is not a party to the agreement. California's Natural Resources Agency and the Department of Fish and Wildlife signed the document as representatives of the state. However, the participation of those agencies did not affect the board's independent decisions or regulatory authority. The board frequently makes determinations for projects supported by various state agencies and, among its duties, evaluates the application for a water quality certification, prepares an environmental review document, and issues appropriate conditions to address water quality issues that may result from the proposed project.

## **What is CEQA and the State Water Board's role under CEQA?**

The California Environmental Quality Act (CEQA) requires state and local government agencies to inform the public and decision makers about the potential environmental impacts of proposed projects and reduce those impacts to the extent feasible. As certification from the State Water Board is the only state or local approval required

before the proposed project can be implemented, the Board is the CEQA lead agency for this project and responsible for preparing the environmental review document. Regarding the Lower Klamath Project, the board determined that preparation of an Environmental Impact Report (EIR) was needed based on its determination that the proposed project could have significant impacts. On Dec. 27, 2018, the board released the Draft Environmental Impact Report for the Lower Klamath Project License Surrender to examine the potential environmental impacts and identify mitigation measures to the extent feasible. More than 2,500 comments were submitted. On Dec. 21, 2019, the board released a limited recirculation of portions of the draft environmental report, triggering a 45-day comment period that ended February 6, 2020.

The EIR identified 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. It also considered alternatives such as no project, partial removal, continued operations with fish passage, removal of three dams (Iron Gate, Copco No. 1, and Copco No. 2), removal of two dams (Iron Gate and Copco No. 1), and removal of the dams with no fish hatcheries.

### **What is a recirculation and why was it needed?**

Per CEQA Guidelines section 15088.5, a lead agency – in this case the State Water Board – is required to recirculate an EIR or portions thereof when significant new information is added after the public comment and review period, but before certification of the final version.

During the draft EIR public comment period, which began Dec. 27, 2018 and ended Feb. 26, 2019, the board received over 2,500 comments, some of which addressed the adequacy of the report's impact analyses with respect to air quality, greenhouse gases, and energy. To appropriately respond to these comments and analyze these potential impacts, updated sections and appendices pertaining to those issues were recirculated, incorporating additional details and new modeling information. These new sections contain an expanded discussion of energy impacts, the significance threshold for greenhouse gas emissions, new estimates for ecosystem and construction-related greenhouse gas emissions, new mitigation measures, and a cumulative impact assessment methodology for greenhouse gases and energy. The revised portions of the draft EIR were available for public comment from Dec. 21, 2019 to Feb. 6, 2020.

### **How does the final Environmental Impact Report relate to the Water Quality Certification?**

The final environmental impact report (EIR) informs the State Water Board's decision regarding the water quality certification. The final environmental document includes any text revisions to the draft as well as responses to comments received during the public comment periods. Once the EIR is certified, the board decided whether and under what conditions to approve the KRRC's application for water quality certification. That

decision is informed by the EIR analysis of potential impacts to the environment as a result of the proposed project, as well as its assessment of project alternatives and mitigation measures. The certification includes conditions the KRRC must follow to protect water quality and ensure the project does not violate water quality standards.

## **Dam removal has the potential to make significant improvements in the Klamath River's water quality and fish populations but could also 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 projects to reestablish natural river function can involve significant short-term waste discharges, especially of sediments and can result in temporary environmental impacts.

The EIR includes mitigation measures to reduce or avoid any short-term impacts to the extent feasible. Additionally, the State Water Board's draft water quality certification includes measures to lessen the impact of sediment releases by imposing conditions on timing of the initial 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, if necessary, the KRRC will be required to take additional action to reduce environmental impacts.

## **Do the Final Environmental Impact Report and Water Quality Certification protect the City of Yreka's water supply?**

Yes. The KRRC proposes replacing the portion of Yreka's water supply pipeline that will be affected by the project. The environmental report includes a mitigation measure that requires the corporation to ensure that pipeline replacement is conducted in a manner that prevents impacts to the city's potable water deliveries and is completed prior to drawdown of the reservoirs. The water quality certification contains a similar provision.

## **What comes next?**

On April 7, 2020, the State Water Board issued the [final Water Quality Certification](#) and [Final Environmental Impact Report](#), concluding its role in the review process. FERC's determination regarding the final license transfer and surrender can now be addressed. The water quality certification will be incorporated into FERC's final decision. Afterward, the KRRC will be ready to begin implementing the project.

## **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 details. 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](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml)

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