

From: [sami difuntorum](#)
To: [Wr401program](#)
Cc: [Janice Crowe](#); [Candice Difuntorum](#); [Ragazzi, Erin@Waterboards](#)
Subject: DEIR Comments
Date: Sunday, February 24, 2019 6:14:55 PM
Attachments: [19-0220 SIN DEIR Comments final.pdf](#)

Chairwoman Crowe's comments for the record are attached and submitted on behalf of the Shasta Indian Nation.

Please confirm receipt.

Sami Jo Difuntorum
Shasta Indian Nation
530-643-2463

SHASTA INDIAN NATION



P.O. Box 195 Macdoel, CA 96058

February 17, 2019

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

Dear Ms. Siebal:

Thank you for the opportunity to comment on the California State Water Resource Control Board's Draft Environmental Impact Report (DEIR) for the Lower Klamath Project License Surrender (Project). Our comments will focus on Tribal Cultural Resources and other Project activities under consideration as they pertain to Tribal Cultural Resources.

The Shasta Indian Nation's membership is comprised principally of the Shasta Indian descendants who were impacted by the construction of the Copco No. 1 Dam. Our ancestors owned property that was taken by eminent domain for its construction. Although the Federal government arranged for our Tribe to live on land nearby, this dam's construction disrupted our community in significant ways. Some of our traditional villages, burial grounds, and fishing sites were inundated by rising waters and remain submerged today. Ongoing dam operations have impacted our Tribe's ability to access sacred places for prayers and ceremonies. One of our most sacred places, known as *K'uč'ux-warax* in our language and which we sing about in our prayer songs, is off limits to us.

Our ancestors cried when the Copco No. 1 Dam was constructed. They knew how devastating it would be to the lives of our people and to our Tribe. One of our elders died as she was removed from her home. There is no way to turn back time and to mitigate these impacts.

The Project now proposes the decommissioning and removal of four dams (J. C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate) and associated facilities, to re-establish a free-flowing Klamath River. The dam's removal will also result in significant impacts to our now inundated villages, burial grounds, fishing sites, and sacred places, as well as to non-inundated Tribal Cultural Resources located within the Project area.

The California State Water Resource Control Board's DEIR finds that this Project will result in significant and unavoidable impacts to Tribal Cultural Resources. We support this finding. The Shasta Indian Nation also concurs with the proposed DEIR that these impacts include:

1. Pre-dam-removal activities that involve disturbance of the landscape, including construction or improvement of associated roads, bridges, water supply lines, staging areas, disposal sites, hatchery modifications, recreation site removal and/or development, and culvert construction and improvements that could result in potential exposure of or damage to known Tribal Cultural Resources through ground-disturbing construction and disposal activity and increased access to sensitive areas;
2. The drawdown of Iron Gate, Copco No. 1, and Copco No. 2 reservoirs that could result in shifting, erosion, and exposure of known or unknown, previously submerged Tribal Cultural Resources;
3. The removal of Iron Gate, Copco No. 1, and Copco No. 2 Dams that could result in physical disturbance to known Tribal Cultural Resources from blasting or other removal techniques;
4. Ground disturbance associated with reservoir restoration, recreation site removal and/or development, and disposal site restoration could physically disturb known Tribal Cultural Resources;
5. Increased potential for looting of Tribal Cultural Resources during Project activities;
6. Exposure of or disturbance to Tribal Cultural Resources following reservoir drawdown and prior to vegetation establishment/full stabilization of sediment deposits; and
7. Increased looting opportunities and surface and subsurface erosion of Tribal Cultural Resources over the long-term.

To address these impacts, a comprehensive mitigation plan has been proposed in the DEIR. These measures have been developed in consultation with affected Tribes including the Shasta Indian Nation. These measures include:

1. The development and implementation of a Tribal Cultural Resources management plan
2. The development and implementation of a looting and vandalism prevention program.
3. The development and implementation of inadvertent discovery program.
4. Acknowledgement that the transfer of Parcel B and other lands, the ultimate disposition of which is determined through KHSA Section 7.6.4., to tribal ownership and control will foster tribal cultural conservation practices, promote tribal identity and begin to address the impacts of the past disturbances of Tribal Cultural Resources caused during construction of Iron Gate Dam, Copco No. 1 Dam, and Copco No. 2 Dam and the associated reservoirs, and to mitigate the impacts to Tribal Cultural Resources during and following Project implementation.
5. To create an endowment for post-project activities related to Tribal Cultural Resources protection.

The Shasta Indian Nation supports and endorses these mitigation measures strongly, which were developed in consultation. Should the Klamath River Renewal Corporation implement the mitigation measures as they are currently written, the significant impacts to Tribal Cultural

Resources caused by decommissioning and removing the dams and associated facilities will be mitigated successfully.

Additionally, the California State Water Resource Control Board's DEIR identified a final recreation plan as a requirement for the proposed Project. The Shasta Indian Nation has ongoing concerns about post-dam removal recreation plans that have been developed for the Project without tribal consultation. The Shasta Indian Nation opposes the proposed "Copco Valley" Recreation Site (#5) because it will result in new negative impacts to Tribal Cultural Resources caused by earthwork and grading as well as increased access to the immediate area. The proposed DEIR mitigation measures are inadequate to address new adverse impacts that will result from the siting and construction of this proposed recreation site. There may also be negative impacts to Tribal Cultural Resources at the proposed "Fall Creek Boat Launch" Recreation Site (#6). We understand that a recent proposal moves the launch 1/3 mile downstream from the original site. Moving the launch site downstream past the confluence of Fall Creek will lessen the possibility of impact.

We welcome opportunities to engage in ongoing consultation and dialogue with the California State Water Resource Control Board and with the Klamath River Renewal Corporation about the Project. We gratefully acknowledge the California State Water Resource Control Board's good faith interest in the protection of the Shasta Indian Nation's Tribal Cultural Resources throughout this process consistent with the requirements under the California Environmental Quality Act. Please feel free to contact either me or Sami Jo Difuntorum, Tribal Cultural Resources Coordinator, for any questions or additional matters.

Sincerely,



Janice Crowe
Chairman