

July 21, 2018

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

Subject: Comments re: Draft SWRCB Water Quality Certification for KRRC

Dear Ms. Siebel,

We are very concerned with the KRRC's plan for license transfer and dam decommissioning of the Klamath Dams and the SWRCB's acceptance of the KRRC's submittals to you. Below are our reasons:

We argue that the transfer of the License from PacifiCorp to KRRC is NOT in the **public interest** (18 C.F.R. § 9.3). Our nation was founded on the basis that our country would be governed by democracy. Majority rules and the citizens in the counties of Klamath and Siskiyou where this project is located, have both voted overwhelmingly that they are against dam removal. Jackson County and others have submitted their opposition to this project. These votes and voices cannot be ignored within our states and our country being founded on a democracy with rules where law must be followed.

After reading through what the KRRC calls their "Definite Plan" we find it to be far from definite. It is mainly a "cut and paste" document with nothing that will actually stick when it comes to direct accountability and what they will actually do with specifics. They have taken much of the 2012 USBR Detailed Plan and pasted it into their own. They have not concluded enough **new** studies to make their Definite Plan more definitive and specific. The consequences of accepting this plan on face value could be devastating for our state.

The water quality from Oregon into California is not being addressed. Without this first in place, nothing should be allowed to come second. To begin with there is no coordination between the states of Oregon and California regarding water quality. Oregon must meet California's requirements and it is not doing so. California is bearing the burden of compromised water due to by pesticides and

fertilizers, and geologic factors contributing to the volcanic, phosphorous nature of the river system.

In the past and going into the future, the USBR has had to release water to meet seasonal pulse flows to avoid fish disease. With the dams removed, this water must be released from the Upper Klamath Lake where there are well known water quality issues. This will be water that will come into California from Oregon, not meeting our water quality standards, IF there is enough water after meeting wildlife and agricultural needs in Oregon. We contend that this has not been adequately studied.

Another area of weakness is the fact that the KRRC's plan lacks specificity as to how they intend to do water quality monitoring. While it may appear to be technically adequate, without their **specific plans** to do monitoring there is no way to hold them accountable or no way to be certain that they will follow through and do what they say. We also do not have adequate assurance that they will have the financial capacity to follow through. Aside from the original studies, of only an extremely limited section of the Klamath River being evaluated, not all the creeks and rivers from below Iron Gate Dam to the mouth of the Klamath River, that make up the entire river system, and the actions of all parties that impact the fisheries, were and need to be taken into consideration. Gill netting still takes place across the mouth of the Klamath and this has not been studied as to the effect on salmon population as well as ocean waters warming.

We are very concerned with the integrity of our wells if dam removal takes place. The KRRC has stated that, *"Groundwater well improvements adjacent to the reservoirs may be necessary if reservoir drawdown has a negative impact on existing well water levels."* The KRRC has also stated, *"If the data collected during or following dam decommissioning indicates a loss of supply or adverse water quality to any potable or irrigation well, and that these circumstances are attributable to reservoir removal, then the KRRC will provide temporary water supplies until long-term measures such as motor replacement, well deepening, or full well replacement are identified and implemented as needed to return the production rate of any affected domestic or irrigation groundwater supply well to conditions prior to dam decommissioning ."* The KRRC has failed to outline the **exact specifics, in detail**, just how this would be mitigated and to what extent. Of the 2600-page document, Groundwater Management take up only 2-3 pages of

the “Definite Plan”. It is far from definite as to how our wells will be protected. Without water, our homes are uninhabitable and it will be a direct result if the KRRC is permitted to decommission the dams. We’ve never had an issue with our wells for years through drought and temporary drawdowns, and if dam removal is permitted to go forward, we demand that the SWRCB protect our right to clean drinking water from our wells!

There is also the issue of Yreka’s water supply. The KRRC is submitting three proposals to meet current water needs of the city of Yreka, but they have not taken into consideration the **future growth** in water demands. This needs to be addressed prior to dam removal.

Sediment sampling has been inadequate both with the 2012 Detailed Plan and with the KRRC’s Definite Plan. The sediment sampling done in the past has not gone deep enough to be accurate. Without a thorough study of the sediments to be released by dam removal, the SWRCB has no clear picture if the KRRC will be able to meet the 401-water certification. We are concerned with PCBs as well as lead, mercury, DDT, and many other contaminants. We believe the discharge from the dams will not meet the levels necessary to comply with California laws despite the KRRC stating otherwise.

The KRRC contends that drawdown will occur during the ‘high flow season’ and most of the sediment will move downstream. What IF it is a dry year? What if the years following are dry years, as well, due to drought? This plan is contingent on a wet, rainy season following “past, usual” seasons. That is not a definite plan when it is based on an unpredictable future, especially with the unpredictability of weather and climate.

The amounts of sediment have been estimated at 20-30 million cubic yards of sediment. We have no certainty as to the accuracy of this estimate. If you look at the amounts of sediment estimated to have been released with the Condit Dam removal, the reality was that it was three times the modeled amount! Sixty-foot-deep pools were completely filled with sediments, and there are issues at the delta where the White Salmon River meets the Columbia River only 3.3 miles from where the Condit Dam was located. The White Salmon River is a clear, cold-water river with temperatures of forty-three degrees. The Klamath River is a

much shallower, considerably warmer river with historic low flows before the dams were constructed. How can the SWRCB consider allowing all this sediment to be released down the river? It will raise the bed height of the river by several feet which will affect water temperature, water quality, as well as decimate fish habitat and spawning beds. With the Condit Dam, the spawning beds have been inundated with sediments, and this will be a certainty with the Klamath River, despite the KRRC claiming this won't occur or them being able to mitigate this from happening.

Further affecting water quality is the KRRC's plan for revegetation of the reservoir beds. Their plan is inadequate at best and this will contribute to even more sediments being released due to sloughing and slope instability downstream during the years during and following dam removal. They refer to "emergency irrigation" measures, but this will be ongoing, not just emergency. Our reservoirs exist in a very arid climate and their proposed revegetation, with only 50% success, will be inadequate. They propose to revegetate the 45 degree or steeper slopes with aerial seeding. This is an impossibility! They have not definitively said where they will get the water to irrigate this vegetation, apart from hiring a firm called "Rain for Rent" as their irrigators. Do they intend to pull water from the river to irrigate? How much water will be necessary to pull from the river based on approximately 1000 acres at Copco alone, what irrigation design methods will they use to avoid evaporation loss, etc.? They have also not addressed the possibility of needing to water down sediments if they become a problem like the toxic dust storms experienced after the Condit Dam removal. Where will all this water come from? In the KRRC's "Definite Plan" they make absolutely NO mention as to how these issues will be addressed!

In addition, the Endangered Species Act was founded to protect species that are endangered of extinction. This project contends that the salmon and other aquatic life (not ESA listed species) take precedence over the ESA protected Lost River and Shortnose Suckerfish. These Suckerfish do NOT exist anywhere else in the world besides the Klamath Basin. Studies of the Suckerfish have not been based on current data. This project also contends that salmon take precedence over bass, perch, sunfish, and catfish. I have yet to see the list of "preferred species" that declares a rank of importance for non-ESA listed aquatic species. Where does it state that one species should be placed above another with regards to their importance with tribes, environmentalists and fisherman? In

addition, there is lack of scientific studies that are required by ESA law to study the Suckerfish. Their take is prohibited by law except for very narrow reasons except for scientific research, efforts to recover the species, and for conservation and management and only when approved by the Department of Fish and Wildlife. I do not see anywhere under ESA law that an endangered species can be taken for the benefit of non-ESA listed species, or any other reason. Also, if dam removal occurs, what about all the bass, perch, sunfish, and catfish that will be washed downstream and what effects will this have on water quality when all these fish die?

We also see **absolutely nothing** in the Definite Plan to address property value loss, school funding loss, and loss of funding due to taxes in the Definite Plan. There are no offers of compensation of any type and absolutely no plans to mitigate this loss! Our homes have lost over half their value. In selling our homes we must disclose about dam removal, possible well water loss, irrigation water loss, slope instability affecting our foundations, looking onto mud flats, and in seeing what happened after the removal of the Condit Dam, must we also disclose about possible toxic dust storms with the contaminated sediments becoming airborne in the daily morning and afternoon winds? Whatever value is left in our homes, becomes almost nothing when we cannot sell our homes unless we do so at a small fraction of what they were originally worth. The KRRC states in one of their brochures, *“Some properties will no longer have reservoir views or access once the reservoirs are drawn down-but will gain river views and access after the restoration work is complete. KRRC’s study and planning efforts will evaluate various ways to mitigate impacts to landowners.”* Please show me where it states **anything** to address property value loss in the Definite Plan. At the same time, I find it ironic that the KRRC intends to spend **\$11 million** on temporary offices and temporary facilities!! And again, there is nothing to address the loss revenue for schools or the county!

We continue to be concerned with the KRRC’s fire protection plan. The KRRC sites, *“However, most helicopter water tanks require 3 feet of water depth to be filled, so helicopters will be able to use only certain portions of the Klamath River. Response and travel times between water tank fills for helicopter crews are expected to increase following reservoir drawdown (USBR and CDFW 2012).”* How is this a plan??? They also state, *“Analysis of aerial photos shows the presence of deep pools with suitable conditions for helicopter filling in the currently free-flowing reaches of the Klamath River around three reservoirs, particularly in the*

reaches between Copco and J.C. Boyle reservoirs and downstream of Iron Gate Dam.” While they intend to provide firefighting agencies of a map of deeper pools where water can be drawn by helicopters, they do NOT know for certainty where these pools may be located after dam removal due to releasing sediments downstream. If a 60-foot-deep pool downstream of the Condit Dam was filled and the sediments behind the Klamath dams are exponentially greater, we cannot depend on this as a certainty. This is a plan based on absolute uncertainty and is unacceptable!! The “dry hydrants” they propose are for ground firefighting only. The latest Klamathon Fire was fought primarily from the air. In rough, steep, inaccessible terrain, the aerial firefight is the only option. Fire retardant drops only slow a fire’s progression. Water scooping, fixed wing aircraft were used for the aerial fight on Copco Lake just this past week. If the lakes are gone, water dropping helicopters will be our only option ***IF*** there are still pools deep enough for filling. The KRRC cannot guarantee this possibility!!

The KRRC states, *“What agency is reviewing the Project? The agencies reviewing the KRRC’s permit applications include FERC, the SWRCB, ODEQ, and the US Army Corps of Engineers. FERC and these agencies will evaluate KRRC’s proposed project and will decide on mitigations.”* We want to know what the SWRCB is asking the KRRC to do regarding all the above-mentioned problems with their Definite Plan being far from definitive in how these issues and potential problems will be mitigated?? If this collective group does not do adequate oversight of this proposed project, if the project does not meet the standards necessary to be a **complete success**, but is allowed to take place, then the California State Water Resource Control Board will be liable for damages! Are you, as the SWRCB, ready to assume liability for the KRRC’s inadequacies? I would hope not!

Respectfully submitted,

Loy and John Beardsmore