
State Water Resources Control Board

To: Interested Parties Mailing List

NOTICE OF AVAILABILITY FOR PUBLIC COMMENT OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LOWER KLAMATH PROJECT LICENSE SURRENDER FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 14803

Pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341), applicants for a federal license or permit for activities which may result in any discharge to waters of the United States must obtain water quality certification (certification) from the state in which the discharge occurs. Such certification must be based on a finding that the activity will meet water quality standards and other applicable requirements. In California, the State Water Resources Control Board (State Water Board) is responsible for taking action on applications for water quality certification for proposed activities that require a Federal Energy Regulatory Commission (FERC) license or amendment to a FERC license.

The Klamath River Renewal Corporation (KRRC) applied to the State Water Board for a Clean Water Act section 401 certification for the FERC license surrender of the [Lower Klamath Project](#) (Project). The State Water Board must comply with the California Environmental Quality Act (CEQA; Pub. Res. Code, § 21000 et seq.) when issuing a 401 certification.

The State Water Board, as lead agency for CEQA compliance, has directed the preparation of an environmental impact report (EIR) for the Project, in compliance with CEQA Guidelines.

The following information is provided in satisfaction of the formal written notice requirements for the public review of a Draft EIR (CEQA Guidelines, § 15087).

Applicant: Klamath River Renewal Corporation

Project Name: Lower Klamath Project License Surrender

Date of Certification

Application: September 4, 2018

Project Location: Siskiyou County, California and Klamath County, Oregon

Project Description:

The Project is located on the Klamath River in Siskiyou County, California, and Klamath County, Oregon. The Project is currently part of the Klamath Hydroelectric Project (FERC Project No. 2082), which is owned and operated by PacifiCorp. The Klamath Hydroelectric Project presently consists of seven dams and associated facilities: 1) East Side; 2) West Side; 3) Keno; 4) J.C. Boyle; 5) Fall Creek (located on Fall Creek, a Klamath River tributary); 6) Copco No. 1; 7) Copco No. 2; and 8) Iron Gate.

On September 23, 2016, PacifiCorp and the KRRC filed a joint license transfer application with FERC, which seeks to transfer the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate dams and associated facilities to the KRRC. Concurrent with the license transfer application, the KRRC filed a license surrender application with FERC to decommission the Project.

The Project primarily consists of the decommissioning and removal of the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate dams and associated facilities located on the Klamath River. The Project implements portions of the [Klamath Hydroelectric Settlement Agreement \(KHSA\)](#), as amended November 30, 2016. The KHSA seeks to return the Klamath River to free-flowing conditions and provide volitional fish passage in the portion of the Klamath River currently occupied by the Lower Klamath Project.

Regulatory Background:

When the State Water Board considers issuing a certification for a project, it evaluates whether the project will comply with the applicable water quality control plan (basin plan) and whether the beneficial uses of the water bodies covered by the basin plan will be protected. The Regional Water Quality Control Boards (Regional Water Boards) prepare basin plans that designate the beneficial uses of waters to be protected and establish the water quality objectives necessary to protect those uses, as required under section 303 of the Clean Water Act (33 U.S.C. § 1313) and sections 13240 and 13241 of the California Water Code. When establishing water quality objectives, the Regional Water Boards consider: the past, present, and future beneficial uses of the water bodies; their environmental characteristics; economics; and water quality conditions that could be reasonably achieved through the coordinated control of the factors affecting water quality. Further, federally recognized Indian tribes may also designate beneficial uses and establish water quality objectives under section 518(e) of the Clean Water Act (33 U.S.C. § 1377). Beneficial uses and water quality objectives for the Klamath River are designated in the North Coast Water Quality Control Board's *Water Quality Control Plan for the North Coast Region* and the Hoopa Valley Tribe's *Water Quality Control Plan, Hoopa Valley Indian Reservation*. The Yurok Tribe has applied to the United States Environmental Protection Agency for treatment-as-a-state status under the Clean Water Act, and it is possible that other tribes may similarly apply for and receive such status.

The State Water Board has listed the Klamath River on the Clean Water Act Section 303(d) list¹. The Klamath River and waterbodies associated with the Project are listed in *California's 2014 and 2016 California Integrated Report (Clean Water Act Section 303(d) List / 305(b) Report)*² for nutrients, organic enrichment/low dissolved oxygen, temperature, mercury, aluminum, sediment, and a liver toxin produced by blue-green algae, called microcystin.

Overview of Draft EIR and Proposed Project:

The Draft EIR evaluates the Proposed Project as well as six alternatives: 1) No Project; 2) Partial Removal; 3) Continued Operations with Fish Passage; 4) Three Dam Removal (leaving in J.C. Boyle); 5) Two Dam Removal (leaving in J.C. Boyle and Copco No. 2); and 6) Four Dam Removal with No Hatcheries. The alternatives are described in Chapter 4 of the Draft EIR.

¹ The Clean Water Act Section 303(d) list is a state's list of impaired and threatened waters.

² The report is available online at:

https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml (last accessed December 18, 2018).

The Draft EIR identifies significant impacts for the following resources, for which there are mitigation measures that will be implemented to prevent or avoid significant environmental impacts:

- Aquatic Resources
- Geology, Soils, and Mineral Resources
- Hazards and Hazardous Materials
- Historical Resources and Tribal Cultural Resources
- Terrestrial Resources
- Water Quality
- Water Supply/Water Rights

The Draft EIR identifies significant and unavoidable impacts for the following resources:

- Aesthetics
- Air Quality
- Aquatic Resources
- Flood Hydrology
- Geology, Soils, and Mineral Resources
- Hazards and Hazardous Materials
- Historical Resources and Tribal Cultural Resources
- Noise
- Phytoplankton and Periphyton
- Public Services
- Recreation
- Terrestrial Resources
- Transportation and Traffic
- Water Quality

Additionally, the State Water Board has identified cumulatively considerable effects of the Proposed Project.

Public Review Period:

The Draft EIR comment period is from the date of this notice until **February 26, 2019**.

Comments on the Draft EIR must be received by 12:00 pm (noon) on Tuesday, February 26, 2019, and can be submitted electronically or by mail as follows:

Email:

WR401Program@waterboards.ca.gov

or

Mail:

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

The Draft EIR, and additional information regarding the State Water Board's process, including the previously released draft water quality certification and frequently asked questions about the Project, are available on the [Project webpage](#), which is located online at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/lower_klamath_fer_c14803.shtml.

Public Meetings:

The State Water Board will hold four public meetings to provide stakeholders with the opportunity to get summary information and to submit oral comments on the Draft EIR. The time allotted for each individual or organization to comment orally may be limited if the number of people in attendance so requires. The State Water Board will not take any action during the meetings and no decisions will be made. The locations and times of the meetings are as follows:

Date and Time	Address
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 37960 Highway 96 Orleans, CA 95556
Friday, February 15, 2019* (1:00 p.m. to 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 .	

Document Availability:

The Draft EIR and documents incorporated by reference therein will be available for review at the following locations no later than January 11, 2019. Please note the days the locations are open are provided for convenience; locations may be closed on the indicated days for holidays or other reasons.

Arcata Library

500 7th Street
Arcata, CA 95521
(707) 822-5954
Open Tuesday – Saturday

Butte Valley Branch Library

800 W 3rd Street
Dorris, CA 96023
(530) 397-4932
Open Monday – Friday

Del Norte County Library Main Branch

190 Price Mall
Crescent City, CA 95531
(707) 464-9793
Open Monday – Saturday

Eureka Main Library

1313 3rd Street
Eureka, CA 95501
(707) 269-1915
Open Tuesday – Saturday

Happy Camp Library

143 Buckhorn Road
Happy Camp, CA 96039
(530) 493-2964
Open Tuesday

Hoopa Library – Kim Yerton Memorial

370 Loop Road
Hoopa, CA 95546
(530) 625-5082
Open Tuesday – Saturday

Mt. Shasta Library

515 East Alma Street
Mt. Shasta, CA 96067
(530) 926-2031
Open Monday – Saturday

North Coast Regional Water Quality Control Board

5550 Skylane Boulevard,
Suite A
Santa Rosa, CA 95403
(707) 576-2220
Open Monday – Friday

Siskiyou County Library

719 4th Street
Yreka, CA 96097
(530) 841-4175
Open Monday – Saturday

The Draft EIR and documents incorporated by reference are also available at the **State Water Board's office**, which is located at 1001 I Street, 2nd Floor (Room 2-114), **Sacramento, CA 95814**. The document is available at this location Monday – Friday, excluding state holidays.

KEEP INFORMED OF PROJECT MILESTONES

To receive emails related to the Lower Klamath Project, interested persons should enroll in the "Lower Klamath Project License Surrender" e-mail notification service. Instructions on how to sign up for the State Water Board's Email Subscription List are outlined below:

1. Visit:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml#rights

2. Provide your name and email in the required fields.

3. In the categories below the email and name fields, select "Water Rights," then "Lower Klamath Project License Surrender."

4. Click the "Subscribe" button.

5. An email will be sent to you. You must respond to the email message to confirm your membership on the selected list(s).

By enrolling in this email list, you will receive notices pertaining to the Division of Water Rights' work on the Lower Klamath Project. If you do not have internet access or do not wish to participate in the email subscription list, you may contact Ms. Michelle Siebal by phone at (916) 322-8465 to request to receive notices by mail. You can enroll or un-enroll from the email subscription service at any time.

If you have questions regarding this notice, please contact Project staff by email at: WR401Program@waterboards.ca.gov, or Ms. Michelle Siebal by phone at (916) 322-8465.

Sincerely,

ORIGINAL SIGNED BY
Erin Ragazzi
Assistant Deputy Director
Division of Water Rights

December 27, 2018
Date