

April 15, 2022

Kimberly D. Bose  
Secretary, Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

**Re: Klamath River Renewal Corporation's Comments on Draft Environmental Impact Statement; Lower Klamath Project, FERC Project Nos. 14803-001 and 2082-063**

Dear Secretary Bose:

On February 25, 2022, the Commission issued its *Draft Environmental Impact Statement for Hydropower License Surrender and Decommissioning for the Lower Klamath Project* (DEIS).<sup>1</sup> The Klamath River Renewal Corporation (Renewal Corporation) files these comments in response.

The Renewal Corporation is grateful for the thorough and exacting analysis of the Proposed Action, taking into account the voluminous record. We are also grateful for the timeliness of this work. Environmental review is proceeding on the schedule that the Commission established in June of 2021.<sup>2</sup> We encourage Commission staff and cooperating agencies to continue to work towards the issuance of the Final Environmental Impact Statement (FEIS) as soon as practicable, and by September 2022.

The DEIS analyzes the “Proposed Action,” the “Proposed Action with Staff Modifications” and the “No Action Alternative.” Collectively, these alternatives provide a reasonable range of alternatives<sup>3</sup> and a solid basis for determining that license surrender is consistent with the public interest.

The Staff Modifications propose modifications to the Proposed Action stated in the Definite Decommissioning Plan (November 2020)<sup>4</sup> and Management Plans (December 2021).<sup>5</sup> The Renewal Corporation will incorporate the Staff Modifications into updated Management Plans, with several exceptions where we respectfully suggest clarifications

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<sup>1</sup> FERC accession no. 20220225-3040.

<sup>2</sup> *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Lower Klamath Project Surrender and Removal* (June 17, 2021), FERC accession no. 20210617-3144.

<sup>3</sup> 40 C.F.R. §§ 1502.14(a), 1508.1(z).

<sup>4</sup> *Amended Application for Surrender of License for Major Project and Removal of Project Works and Request for Expedited Review* (Nov. 17, 2020), Exhibit A, FERC accession no. 20201117-5191.

<sup>5</sup> *Update of Management Plans to Implement Definite Decommissioning Plan; Lower Klamath Project, FERC Project Nos. 14803-001 and 2082-063*, (Dec. 14, 2021), FERC accession no. 20211214-5058 (Management Plans).

and revisions consistent with Commission staff's objectives of reducing or eliminating environmental impacts and alleviating environmental justice concerns. Our detailed response to the Staff Modifications is provided in Appendix A Table 1.

The DEIS identifies several potential variances between the Management Plans and the water quality conditions imposed by the California State Water Resources Control Board (California Water Board)<sup>6</sup> and the Oregon Department of Environmental Quality (ODEQ)<sup>7</sup> for purposes of section 401 of the Clean Water Act.<sup>8</sup> The range of alternatives analyzed by the DEIS encompasses these potential variances, and the DEIS discloses any environmental impacts associated with the variances. Commission staff nonetheless recommends that the Renewal Corporation revise our Management Plans to conform with these certification conditions. Our response is provided in Appendix A Table 2. We will update the Management Plans based on ongoing consultation between the Renewal Corporation and the state water quality agencies with respect to these variances.<sup>9</sup>

The analytical record reflected in this DEIS is comprehensive and indeed exhaustive. It includes scientific, technical, engineering, economic and environmental studies compiled over two decades. In Appendix A Table 3, the Renewal Corporation offers limited comments on the DEIS's findings with respect to this record.

The Renewal Corporation is working to update the December 2021 Management Plans in consultation with agencies, Tribes and other stakeholders. The updates will reflect the Staff Modifications stated in the DEIS. We will file these plans shortly after the Commission issues the FEIS, unless the Commission instructs us otherwise. The updates will be within the range of alternatives and environmental analysis presented in the DEIS.

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<sup>6</sup> *Final Water Quality Certification for the Lower Klamath Project License Surrender*, (Apr. 8, 2020), FERC accession no. 20200408-5025.

<sup>7</sup> *Clean Water Act Section 401 Certification for the Klamath River Renewal Corporation License Surrender and Removal of the Lower Klamath Project*, (Sept. 7, 2018), FERC accession no. 20201117-5191 (Attachment B).

<sup>8</sup> 33 U.S.C. § 1341(a)(1).

<sup>9</sup> The Renewal Corporation anticipates that any modification to ODEQ's water quality certification will be reflected in the water quality certification to be issued to support the Renewal Corporation's pending section 404 permit. The Renewal Corporation anticipates that any modifications to the California Water Board's water quality conditions will be issued *sometime after* FERC issues its FEIS. The issuance of the FEIS prior to any such action by the California Water Board is significant because the Renewal Corporation anticipates that the California Water Board will incorporate the FERC FEIS as part of the record supporting its decision, consistent with California Public Resources Code section 21166.2. Under that state law, the California Water Board's Final Environmental Impact Report (2020), in combination with other environmental review documents prepared and adopted by the Commission, are conclusively presumed to satisfy the requirements of the California Environmental Quality Act (CEQA) "for any project for the removal of hydroelectric dams and associated facilities, along with associated restoration of formerly inundated lands, hatchery modifications, and implementation of mitigation measures in the Klamath River Basin."

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The Renewal Corporation appreciates the opportunity to provides these comments. We look forward to the issuance of the FEIS and the Commission's final action on the license surrender application.

Respectfully submitted,

*s/ Markham A. Quehrn*

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Perkins Coie LLP  
Attorneys for Klamath River Renewal Corporation

*s/ Richard Roos-Collins*

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Water and Power Law Group PC  
General Counsel, Klamath River Renewal Corporation

cc: Service List (FERC Nos. P-14803-001 and P-2082-063)  
Douglas Johnson, Regional Engineer, FERC Portland Regional Office

Enclosures - Attachments:

- Attachment 1 - Bald and Golden Eagle Conservation Plan
- Attachment 2 - Technical Memorandum: FERC Staff Recommendations Regarding Modification to the Recreation Facilities Plan; Removing Construction Related Debris from the Sidecast Slide Location
- Attachment 3 - Technical Memorandum: FERC Staff Recommendation Regarding Removal of Encroaching Vegetation Growth in the Copco No. 2 Bypassed Reach
- Attachment 4 - Technical Memorandum: FERC Staff Modifications Regarding Fire Management
- Attachment 5 - Technical Analysis: Crescent City Harbor Proposed Monitoring Measures
- Attachment 6 - BLM Consultation Record Re: Upland Restoration
- Attachment 7 - Appraisal Report: Appraisal of Parcel B Lands, Pacific Power and Light Company

## APPENDIX A

**Table 1**  
**KRRC Response to DEIS Staff Modifications**

<b>Staff Modification</b>	<b>Renewal Corporation Response</b>
<p>Require that all consultations, final management plans, delineations, pre-drawdown mitigation measures, agreements, wetland delineations, and certifications, must be completed before any surface disturbance commences. DEIS § 4.2.2, p. 4-30.</p>	<p><b>Support.</b> The Renewal Corporation understands this Staff Modification to require that surface disturbance may not occur until after: (a) FERC has issued the license surrender order and approved the final Management Plans; and (b) the Renewal Corporation has secured other regulatory approvals required for implementation of the license surrender order. Geotechnical investigation to finalize specifications in the Construction Plan, if needed, could occur before such orders. Otherwise, based on this Staff Modification, the Renewal Corporation will only undertake activities involving surface disturbance, including pre-drawdown mitigation measures, after such orders and approvals have been issued. The sequence and schedule for all such activities are specified in the Construction Management Plan, the Historic Properties Management Plan, and other management plans.</p>
<p>Modify the Construction Management Plan to include measures AQ-1 through AQ-5 to minimize effects of deconstruction activities on air quality, measure ENR-1 to purchase carbon offsets, and the [Noise and Vibration Control Plan]. These measures, which KRRC has agreed to implement, are described in section 2.1.3. DEIS § 4.2.2, p. 4-30.</p>	<p><b>Support.</b> The Renewal Corporation will modify the Construction Management Plan per the Staff Modification to clarify and incorporate AQ-1 through AQ-5 and to propose measures to implement ENR-1.</p>
<p>Specify measures in the California Slope Stability Monitoring Plan (a subplan of the Reservoir Drawdown and Diversion Plan) about repairs and replacements of private property to be implemented if any reported structural damage to properties</p>	<p><b>Support.</b> The Renewal Corporation will modify the California Slope Stability Monitoring Plan to realign affected road segments, engineer structural slope improvements, and revegetate affected areas.</p>

<b>Staff Modification</b>	<b>Renewal Corporation Response</b>
<p>abutting Copco No. 1 Reservoir is found to be related to the drawdown, following monitoring and inspection. DEIS § 4.2.2, p. 4-30.</p>	<p>With respect to private properties, the Renewal Corporation will provide funding to move or repair damaged structures or purchase affected properties. These measures will be available to cooperating landowners who allow the Renewal Corporation access to their properties for a pre-drawdown baseline assessment and for subsequent assessments during and after drawdown, as needed, to determine whether and how any reported structural damage is related to the drawdown.</p>
<p>Extend the planned LiDAR monitoring of the reservoir and embankment rim for six months after completion of the drawdown—at a reduced survey interval of once per month and limited to 1,780-linear-foot long segments of the Copco No. 1 Reservoir rim identified to be potentially affected by slope failure. The rationale for limiting this measure to Copco No. 1 Reservoir is discussed in section 3.1, <i>Geology and Soils</i>. DEIS § 4.2.2, p. 4-30.</p>	<p><b>Support.</b> The Renewal Corporation will modify the California Slope Stability Monitoring Plan to include monitoring once monthly for six months following drawdown via one or more of the following methods: LiDAR, photogrammetry, and/or ortho-imagery.</p>
<p>Modify the Del Norte Sediment Management Plan (a subplan of the Sediment Deposit Remediation Plan) to require that Del Norte County be reimbursed by KRRC for any increase in the cost of maintaining the Klamath River boat ramps in an operable condition that is attributable to sediment deposited as a result of the proposed action. DEIS § 4.2.2, p. 4-31.</p>	<p><b>Support.</b> The Renewal Corporation will modify the Del Norte Sediment Management Plan per the Staff Modification to remove the \$14,000 cost cap for removal of sediment deposits attributable to the project from identified boat ramps. The Del Norte Sediment Management Plan will refer to the MOU with Del Norte County and the Crescent City Harbor District.</p>
<p>Modify the Water Quality Monitoring and Management Plan to include submittal of all reports and correspondence to Native American Tribes that have obtained CWA</p>	<p><b>Support.</b> The Renewal Corporation will modify the Water Quality Monitoring and Management Plan to incorporate the Staff Modification.</p>

Staff Modification	Renewal Corporation Response
treatment as a state status. DEIS § 4.2.2, p. 4-31.	
<p>Modify the Aquatic Resource Management Plan to include translocation of freshwater mussels as modified in KRRC’s October 10, 2018, letter to the California Water Board. DEIS § 4.2.2, p. 4-31.</p>	<p><b>Do Not Support.</b> The Renewal Corporation requests that FERC remove this modification based on the outcome of discussions with the California Water Board, the California Department of Fish and Wildlife (CDFW), and Native American Tribes, which confirm that the act of relocation results in equal risk of mortality as leaving freshwater mussels in place.</p> <p>There are four species of freshwater mussels that may be affected by the Proposed Action. The analysis of impacts to freshwater mussels outlined in the California Water Board’s CEQA document (2020 Final Environmental Impact Report) indicated that there would be no significant impacts to either the western ridged mussel (<i>G. angulata</i>) or the western pearlshell mussel (<i>M. falcata</i>). The California Water Board also determined that, while there would be significant adverse impacts to both the Oregon floater and California floater (<i>Anodonta</i> spp.), translocation was not recommended due to lack of available habitat in the mainstem Klamath River and disease risk in the tributaries. Since there are no suitable relocation sites for the Oregon floater and California floater (<i>Anodonta</i> spp.), the Renewal Corporation will request removal of this measure in the amended California Water Quality Certification.</p>
<p>Modify the Hatchery Management and Operations Plan to clarify whether and when ownership of the Fall Creek Hatchery would be transferred to California DFG or another entity. DEIS § 4.2.2, p. 4-31.</p> <p>Clarify the facility’s future ownership and the potential that</p>	<p><b>Support.</b> The Renewal Corporation will modify the Hatchery Management and Operations Plan (HMOP) per the Staff Modification to clarify that PacifiCorp will continue to own the lands occupied by the Fall Creek Hatchery and will own the new facilities. CDFW will lease such lands and facilities from PacifiCorp for a period of eight years following removal of Iron Gate Dam.</p> <p><b>Do Not Support.</b> FERC approval of removal of the Lower Klamath Project dams and of surrender</p>

<b>Staff Modification</b>	<b>Renewal Corporation Response</b>
<p>production would continue beyond eight years. DEIS § 3.4.4, p. 3-232.</p>	<p>of license for the Lower Klamath Project would in no way prohibit continued operation of the Fall Creek Hatchery beyond the initial eight years specified in the KHSA. Any decision to extend hatchery operations beyond eight years following dam removal will be addressed outside of the license surrender order. This decision will be made by CDFW, in consultation with PacifiCorp and other interested parties, at the appropriate time.</p> <p>License surrender will terminate the Commission's jurisdiction over long-term measures such as this one. Any continuing issues would be properly addressed under then-applicable federal and state regulations. <i>PacifiCorp</i>, 133 FERC ¶ 61232, 62300 (2010) (once surrender of a license is approved, a project ceases generation, and a project dam and other works are removed, there is no public interest in keeping that project under the Commission's jurisdiction for an extended time).</p>
<p>Modify the Reservoir Area Management Plan to include two periods of vegetation sampling each year. One sampling period should occur in late spring/early summer as proposed. The second sampling period should occur in late fall, but prior to the onset of woody vegetation dormancy. DEIS § 4.2.2, p. 4-31.</p>	<p><b>Support.</b> The Renewal Corporation will modify the Reservoir Area Management Plan to include two periods of vegetation sampling each year. The second sampling period will inform adaptive management measures and will be implemented in consultation with the States of Oregon and California. In addition, the Habitat Restoration Group (as established by the Reservoir Area Management Plan) will allow for agency oversight on means and methods for successful re-establishment.</p>
<p>Modify the Reservoir Area Management Plan to include detailed pre-work maps that identify areas of grading, water runoff control measures, planting, seeding, mulching, and irrigation areas. These maps should include final limits of work zones, delineated wetlands within areas of proposed</p>	<p><b>Support.</b> The Renewal Corporation will modify the Reservoir Area Management Plan per the Staff Modification to include such detailed maps for upland areas. For the reservoir areas (e.g., those areas where actual mapping cannot be done before drawdown), the Renewal Corporation will finalize the detailed maps after drawdown, through adaptive management.</p>

Staff Modification	Renewal Corporation Response
<p>disturbance, the reservoir footprints, the J.C. Boyle canal and scour hole, and all areas of temporary disturbance where revegetation activities would occur. DEIS § 4.2.2, p. 4-31.</p>	
<p>Develop an eagle conservation plan that includes occupancy and nest productivity surveys; timing restrictions on vegetation clearing and construction noise; monitoring of active eagle nests; coordination with FWS, California DFW, and Oregon DFW; and reporting as described in California Water Board WQC condition 17. DEIS § 4.2.2, p. 4-31.</p>	<p><b>Qualified Support.</b> The Renewal Corporation submitted a Bald and Golden Eagle Conservation Plan and Incidental Take Permit application to the USFWS on January 10, 2022. The Eagle Conservation Plan is attached to this submittal as Attachment 1. The USFWS is scheduled to release its draft Environmental Assessment and Finding of No Significant Impact at the end of May 2022 and an Eagle Take Permit on or before September 15, 2022.</p> <p>Appendix A Table 2 explains that the Renewal Corporation will seek confirmation that the California Water Board will accept the USFWS Eagle Conservation Plan and Incidental Take Permit as functionally equivalent to water quality certification Condition 17.</p> <p>The Renewal Corporation respectfully requests that FERC adopt the Renewal Corporation’s Eagle Conservation Plan as approved by the USFWS.</p>
<p>Modify the Oregon and California TWMPs to include:</p> <p>(1) Additional criteria for the potential removal of structures containing bats between April 16 and August 31. If it is necessary to remove structures during this period, conduct surveys to determine whether the structure is occupied as a maternity roost and prohibit removal of structures with maternity roosts. In the absence of maternity roosts, only remove structures when bats are active (i.e., at night) and when less</p>	<p>(1) <b>Support.</b> The Renewal Corporation will modify the Terrestrial and Wildlife Management Plans per the Staff Modification to clarify and incorporate these measures. Additionally, the Renewal Corp is working with CDFW/ODFW and USFWS to establish appropriate deterrent methods as well as bat habitat mitigation, and to establish appropriate requirements for monitoring and reporting. The Renewal Corporation does not plan to remove structures containing bats during the April 16 to August 31 period.</p>



Staff Modification	Renewal Corporation Response
<p>than 0.5 inch of rain is predicted within the following 24 hours. DEIS § 4.2.2, p. 4-31.</p> <p>(2) Use of bat gates to close portal outlets, tunnels, and other water conveyance structures. DEIS § 4.2.2, p. 4-31.</p> <p>(3) Require staff entering areas with potential bat activity to follow the National White-Nose Syndrome Decontamination Protocol (WNS Response Team, 2020). DEIS § 4.2.2, p. 4-31.</p> <p>(4) Identify suitable habitats (with maps) for relocation of non-listed reptiles and amphibians. DEIS § 3.5.4, p. 3-293.</p>	<p>(2) <b>Qualified Support.</b> The Renewal Corporation proposes to install bat access in the Copco No. 2 overflow spillway outlet portal and the surge vent opening as shown on drawings C3330, C3340, and C3360 (all of which are CEII).</p> <p>The California Division of Safety of Dams and Bureau of Land Management have expressed strong reservations about such gates at other tunnel portal outlets and conveyance structures due to structural and vandalism risks. The Renewal Corporation proposes not to install bat gates at these locations and requests that FERC decline to adopt this Staff Modification.</p> <p>(3) <b>Support.</b> The Renewal Corporation will modify the Terrestrial and Wildlife Management Plan per the Staff Modification to incorporate this protocol.</p> <p>(4) <b>Support.</b> The Renewal Corporation will identify suitable habitats for relocation of non-listed reptiles and amphibians in consultation with resources agencies.</p>
<p>Modify the Recreation Facilities Plan to include:</p> <p>(1A) Removal or fragmentation of remaining construction-related debris in the river at the Sidecast Slide location. DEIS § 4.2.2, p. 4-32.</p>	<p>(1A) <b>Support.</b> As to the Sidecast Slide, the Renewal Corporation will modify the Recreation Facilities Plan to address certain boulders in the active channel. These boulders, identified in consultation with interested whitewater organizations, are shown in a technical memo included herein (Attachment 2). The Renewal Corporation will use appropriate means and methods to break apart these boulders in the pre-</p>

Staff Modification	Renewal Corporation Response
<p>(1B) Removal of encroaching vegetation growth within the river channel in the Copco No. 2 bypassed reach that create hazardous boating conditions. DEIS § 4.2.2, p. 4-32.</p>	<p>drawdown year. The Renewal Corporation will not disturb or move any boulders outside of the active channel, or that might result in slope instability.</p> <p>(1B) <b>Support.</b> The Renewal Corporation will remove selected trees in the active channel of the Copco No. 2 bypass reach to restore the river to a more natural condition, as shown in the technical memo (Attachment 3).</p> <p>Since the release of the DEIS, the Renewal Corporation consulted with the commercial outfitters and whitewater groups (regarding navigability issues), NMFS, USFWS, and CDFW (regarding impacts on fish habitat), and Shasta Indian Nation, and Yurok, Karuk, and Klamath Tribes (regarding tribal cultural resources), to select such trees and develop the means and methods of removal. The Renewal Corporation will use appropriate means and methods to avoid disturbing the banks (including tribal cultural resources) or cause any material sediment discharge in the water column.</p> <p>In consultation with the State of California, the Renewal Corporation will post signs and conduct public outreach to discourage boating by non-expert boaters in Wards Canyon, which will involve difficult and hazardous conditions due to high gradient and boulders, regardless of which trees remain.</p> <p>Thus, the Renewal Corporation proposes that the Recreation Facilities Plan be modified to specify that the Renewal Corporation will: remove the selected trees identified in a tree removal plan to be provided to the Commission; use such means and methods so as to avoid disturbing the banks (including tribal cultural resources) or cause any material sediment discharge in the water column; and post signs and conduct public outreach, in consultation with the State of California, to inform</p>

Staff Modification	Renewal Corporation Response
<p>(2) developing a plan for funding the construction and maintenance of the potential access sites described in the Recreation Facilities Plan and file a revised Recreation Facilities Plan with the Commission to include, at a minimum, development of the planned access points that are within the existing reservoir footprints. DEIS § 4.2.2, p. 4-32.</p> <p>(3) consulting with Upper Klamath Outfitters Association to schedule construction activities and access restrictions to minimize adverse effects on whitewater boating. DEIS § 4.2.2, p. 4-32.</p> <p>(4) adding signage related to recreation site closures in Spanish and Hmong.</p>	<p>the public of hazardous conditions for boaters in Wards Canyon.</p> <p>(2) <b>Support.</b> The Renewal Corporation will modify the Recreation Facilities Plan to construct river access within the existing reservoir footprints of J.C. Boyle and Copco reservoirs. The Renewal Corporation will also modify the plan, in cooperation with the co-licensees, States of Oregon and California, to specify an approach to secure funding for the construction of additional access sites.</p> <p>(3) <b>Support.</b> The Renewal Corporation will modify the Recreation Facilities Plan to include protocols for consultation with Upper Klamath Outfitters Association regarding schedule for construction activities.</p> <p>(4) <b>Support.</b> The Renewal Corporation will modify the Recreation Facilities Plan to include additional signage in Spanish and Hmong.</p>
<p>Prepare a supplemental [Historic Properties Management Plan] in consultation with the Oregon SHPO, California SHPO, participating Tribes, and other appropriate agencies and organizations to address the following: (1) the results of Phase II archaeological studies; (2) the results of additional surveys and evaluations of historic structures; (3) the results of the pending traditional cultural properties (TCP) studies and Tribal consultation; (4) identification of specific effects on all historic properties, and resource-specific measures to resolve effects determined to be adverse; and (5) additional items identified by the Commission requiring clarification.</p>	<p><b>Support.</b> The Renewal Corporation will file an updated Historic Properties Management Plan on May 2, 2022, including the Final Phase II Report, the Final Built Environment Report and updated consultation record.</p> <p>The HPMP update will provide (1) an assessment of effects and any additional mitigation required based on results of Phase II studies; (2) an assessment of effects and any additional mitigation required based on the Final Built Environment Report; (3) an update on input received from Tribes on ethnographic reports (4) more specificity with respect to impacts and mitigations; (5) clarification regarding the rationale for the selection of sites and the location of districts; (6) final eligibility determinations for the Klamath River Hydroelectric Project District, the four Lower Klamath Project hydroelectric</p>

Staff Modification	Renewal Corporation Response
	system districts, and the Fall Creek Hatchery district; and (7) the Renewal Corporation’s response to SHPO comments.
<p>Modify the Reservoir Area Management Plan to incorporate the pre- and post-drawdown requirements for cultural resources inspections, surveys, evaluations, mitigation, and management as specified in the HPMP. Additionally, should ground conditions permit access for depositional sediment grading during reservoir drawdown, include provisions in the Reservoir Area Management Plan for a cultural monitor to be present to ensure that if any cultural resources are identified on the historical pre-dam ground surface, grading stops and the measures outlined in appendix C, section 7.1 of the HPMP (Monitoring and Inadvertent Discovery Plan, Procedures) are closely followed within 48 hours. These protocols include (1) notifying the team supervisor of any discovery of cultural or archaeological resources, (2) suspending work within 100 feet of the find in all non-dewatering situations, (3) completing an initial assessment of the discovery, (4) notifying the Commission, SHPO, and participating Tribes of the find, and (5) consulting with these entities to determine and implement agreed-upon treatment measures for discoveries that are potentially eligible for listing on the National Register.</p>	<p><b>Support.</b> The Renewal Corporation will modify the Reservoir Area Management Plan to include appropriate cross-references to the Historic Properties Management Plan.<sup>10</sup> The Renewal Corporation will modify the HPMP Appendix C section 7.1 to refine and clarify the procedures and buffer area for addressing inadvertent discoveries. The Renewal Corporation is consulting with Tribes and the Oregon SHPO regarding this refinement, is seeking input from the California SHPO, and will submit the updated HPMP to the Commission by May 2, 2022.</p>

<sup>10</sup> To avoid inconsistencies and inaccurate information, the Management Plans do not restate provisions from other Management Plans. Instead, all Management Plans provide a cross-reference to the lead plan managing that particular resource of concern and associated best management practices.

Staff Modification	Renewal Corporation Response
<p>Modify the Sediment Deposit Remediation Plan, the Water Supply Management Plan, the Slope Stability Monitoring Plan, and any other plans that require landowners to contact KRRC for mitigation services, to include a public outreach component that specifically addresses communication with environmental justice communities.</p>	<p><b>Support.</b> The Renewal Corporation will modify the Sediment Deposit Remediation Plan, the Water Supply Management Plan, the Slope Stability Monitoring Plan, per the Staff Modification to provide for such public outreach.</p>
<p>Modify the Fire Management Plan (a subplan of the Water Supply Management Plan) and the Construction Management Plan in consultation with the California Department of Forestry and Fire Protection (CAL FIRE), Oregon Department of Forestry, and the Fire Safe Council of Siskiyou County to address the following issues raised by stakeholders:</p> <p>(1) Insufficient stream depth and lift requirements at proposed locations for dry fire hydrants;</p> <p>(2) Location of dry fire hydrants on blind corners;</p> <p>(3) Lack of suitable locations for fire trucks to turn around near dry fire hydrants;</p> <p>(4) Lack of any proposed river access boat ramps within the Copco No. 1 Reservoir area;</p> <p>(5) Identification of the entity that would be responsible for storage,</p>	<p><b>Support with Clarification.</b> Some of the items in the Staff Modification do not take into account the Renewal Corporation’s June 14, 2021, filing of a technical memorandum addressing issues raised by stakeholders (FERC Accession # 20210614-5069). The Renewal Corporation attaches an update of this technical memorandum (Attachment 4) to provide further clarification of these issues. The Renewal Corporation will modify (or augment) the Fire Management Plan to confirm:</p> <p>(1) Addition of dry hydrants that meet National Fire Protection Association standards at Fall Creek confluence and Iron Gate Dam/Hatchery boat launches; removal of the Deer and Beaver Creek dry hydrants;</p> <p>(2) Removal of Deer Creek and Beaver Creek dry hydrants;</p> <p>(3) Removal of Deer Creek and Beaver Creek dry hydrants;</p> <p>(4) Boat ramp to be installed at Copco Valley site within the Copco No. 1 Reservoir area;</p> <p>(5) CAL FIRE or a local firefighting agency will be responsible for storage, deployment and fill of</p>

<b>Staff Modification</b>	<b>Renewal Corporation Response</b>
<p>deployment, and refill of portable water tanks;</p> <p>(6) The potential need to install additional water sources (such as dip tanks) to address the potential filling of existing dip sites by gravel transported from the reservoirs.</p>	<p>portable water tanks (per MOU under development with CAL FIRE); and</p> <p>(6) Five additional dip tanks to be reflected in revised FMP (per MOU under development with CAL FIRE).</p>

**Table 2(a)**  
**Comments on Oregon Water Quality Certification Mandatory Conditions**<sup>11</sup>

**Note:** The Renewal Corporation consulted with ODEQ about updates to the Definite Decommissioning Plan that were filed with FERC after ODEQ’s issuance of the Oregon Water Quality Certification (OR WQC) under Section 401 of the Clean Water Act on September 7, 2018. The comments below explain minor variances between the OR WQC and the Management Plans submitted to FERC in December 2021. The means and methods for OR WQC compliance adopted by the management plans are functionally equivalent to the terms and conditions of the OR WQC. The Renewal Corporation requests that FERC adopt water quality conditions as updated in alignment with the Renewal Corporation’s Management Plans.

<b>OR WQC Condition</b>	<b>Renewal Corporation Response</b>
<p><b>Condition 2(e).</b> The Licensee shall propose procedures to quantify sediment export during and following reservoir drawdown using suspended sediment concentrations and flow measurements recorded at USGS gauges 11510700 and 11509500 and other methodologies as appropriate. Upon approval by DEQ, the Licensee shall implement this methodology.</p>	<p>The Renewal Corporation will quantify sediment export using pre-drawdown bathymetric surveys and post-drawdown topographic surveys per the methodology provided in the Water Quality Management Plan (WQMP). The WQMP will provide for ongoing consultation with the State of Oregon to ensure that the methods employed provide a reliable estimate for calculating sediment export from the reservoir.</p>
<p><b>Condition 5(b).</b> Requires certain monitoring requirements in the Reservoir Drawdown and Diversion Plan, which include: (1) the location, schedule, and installation procedures for piezometer wells proposed for the upstream shell and core of J.C. Boyle Dam and procedures to monitor water levels and pore pressure at these locations (2) description of all proposed survey monuments and inclinometer installations to monitor slope stability during and following drawdown; and (3) visual monitoring schedule for evidence of potential slumping, cracking, or slope failure</p>	<p>Based on further analysis presented in the Oregon Slope Stability Monitoring Plan, actions (1) and (2) are no longer necessary.</p>

<sup>11</sup> The descriptions of the OR WQC Conditions are consistent with those in Section 2.2.2 of the DEIS. The full text of the ODEQ’s conditions in the OR WQC are included in Exhibit D of the DEIS.

OR WQC Condition	Renewal Corporation Response
of dam embankment during dam removal.	
<p><b>Condition 6 (b).</b> Requires that the Renewal Corporation shall twice annually conduct surveys to determine the area of invasive exotic vegetation and native vegetation cover in the reservoir restoration area.</p>	<p>Appendix A Table 1 explains the Renewal Corporation’s proposed modifications to the Reservoir Area Management Plan to include two periods of vegetation sampling each year.</p>
<p><b>Condition 8.</b> Submit an erosion and sediment control plan to ODEQ for review and approval.</p>	<p>The Renewal Corporation has proposed alternative approaches that are functionally equivalent to several subparts of Condition 8. Specifically:</p> <ul style="list-style-type: none"> <li>• <b>Condition 8(b)(i):</b> This provision of Condition 8 directs the Renewal Corporation to place earthen material generated during deconstruction of J.C. Boyle Dam in the disposal site located near the right abutment of the dam. However, the Renewal Corporation has identified additional disposal sites within the original reservoir footprint, above 100-year flow elevations. These sites are described in the Oregon Erosion and Sediment Control Plan, as well as the Waste Disposal and Hazardous Materials Management Plan. The original borrow site also may be used. The final location will be established during construction after the reservoir footprint is revealed. At this time, it is believed that Left Bank disposal site will be sufficient for the material. The disposal site will be restored in accordance with the RAMP’s revegetation standards.</li> <li>• <b>Condition 8(c):</b> The Renewal Corporation has incorporated all ODEQ comments provided in the Waste Disposal and Hazardous Materials Management Plan, filed in December 2021. Renewal Corporation will update the Management Plans based on ongoing</li> </ul>



OR WQC Condition	Renewal Corporation Response
	<p>consultation between the Renewal Corporation and ODEQ. ODEQ's final approval for stabilizing and restoring the eroded scour hole will be incorporated into final management plans.</p> <ul style="list-style-type: none"> <li> <p><b>Condition 8(e):</b> This provision requires the removal of all concrete wall portions of the J.C. Boyle power canal except for shotcrete applied to the upstream wall to maintain stability against erosion. The provision also requires the Renewal Corporation to restore the formal canal area by decompacting the canal floor to support revegetation if it removes the invert slab. As reflected in the Remaining Facilities Plan, the Renewal Corporation will not remove all concrete at portions of the J.C. Boyle power canal (e.g., the invert slab). Additionally, upstream walls will be overlaid on top of the invert slab in some cases. As such, the Renewal Corporation will not remove the invert slab but will bury all concrete and contour/revegetate the area as described in the Use and Occupancy Plan for BLM Lands (Appendix D of the Construction Management Plan). ODEQ, in coordination with Oregon Department of Fish and Wildlife and the Bureau of Land Management, considers the revised approach functionally equivalent to protecting water quality.</p> </li> </ul>

**Table 2(b)**  
**Comments on California Water Quality Certification Mandatory Conditions**<sup>12</sup>

**Note:** The Renewal Corporation consulted with the California Water Board about updates to the Definite Decommissioning Plan that were filed with FERC after the California Water Board’s issuance of the California Water Quality Certification (CA WQC) under Section 401 of the Clean Water Act on April 7, 2020.

Pursuant to legislation signed by Governor Newsom on September 23, 2021, the California Water Board may use the environmental review set forth in the Final Environmental Impact Report for the Proposed Action issued in April 2020 prepared under the California Environmental Quality Act in combination with other environmental review documents related to removal of facilities on the Klamath River prepared and adopted by FERC pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. Sec. 321 et seq.) to satisfy the requirements of CEQA for any project for the removal of hydroelectric dams and associated facilities, along with associated restoration of formerly inundated lands, hatchery modifications, and implementation of mitigation measures in the Klamath River Basin, provided certain requirements are satisfied. Cal. Pub. Res. Code § 21166.2.

The comments below reflect amendments the Renewal Corporation will request the California Water Board to make to the CA WQC to align it with the Renewal Corporation’s Management Plans. The Renewal Corporation anticipates that the California Water Board will rely (in part) on the Commission’s FEIS to support a decision amending the CA WQC. The Renewal Corporation requests that FERC adopt water quality conditions as updated in alignment with the Renewal Corporation’s Management Plans.

<b>CA WQC Condition</b>	<b>Renewal Corporation Response</b>
<b>Condition 1:</b> Submit a water quality management plan to the California Water Board for review and approval.	The Renewal Corporation filed its updated Water Quality Monitoring and Management Plan (WQMMP) with FERC in December 2021. In that updated plan, the Renewal Corporation proposes removing one Category 1 (continuous water quality monitoring) station at the following location: Klamath River upstream of Copco No. 1 Reservoir and downstream of Shovel Creek. The Renewal Corporation will conduct water quality grab sampling at this location consistent with Category 2.
<b>Condition 3:</b> Submit a reservoir drawdown and diversion plan to the California Water Board for review and approval.	The Renewal Corporation filed its updated Reservoir Drawdown and Diversion Plan (Drawdown Plan) with FERC in December 2021. The California Water Board is aware of this amended Drawdown Plan, and the Renewal Corporation

<sup>12</sup> The descriptions of the CA WQC Conditions are consistent with those in Section 2.2.1 of the DEIS. The full text of the California Water Board’s conditions is included in Exhibit E of the DEIS.

CA WQC Condition	Renewal Corporation Response
	<p>will include changes to Condition 3 in a request for an amendment to the CA WQC.</p> <p>Specifically, the Renewal Corporation will request that Condition 3 be modified to reflect that drawdown timings are directly dependent on the water year type, and dates reflect a median to dry year condition, consistent with current water year records. The reservoir will be lowered to the minimum operating parameters prior to January 1st and commence drawdown on January 1st of the drawdown year. The bulk of the reservoir releases will occur during the initial drawdown period expected to occur between January 1-March 15 potentially extending to March 31 in a median water year. The reservoirs will partially refill with spring inflows from April through May, with final drawdown anticipated in early to mid-July of the drawdown year when the water surface elevation is maintained below the crest of the historic cofferdams.</p> <p>Drawdown shall occur as more specifically outlined below:</p> <ul style="list-style-type: none"> <li>• Copco No. 1 Reservoir drawdown is divided into two timeframes based on the rate of drawdown allowed at specific reservoir elevations.</li> <li>• In the pre drawdown year, no earlier than November 1st, Copco No. 1 Reservoir drawdown reservoir level will be held at or below the spillway ogee crest level (elevation 2,597.1 ft), to as low as the minimum operating level (elevation 2,592 ft).</li> <li>• The second phase of Copco No. 1 Reservoir drawdown, from the gated spillway until final drawdown, will start on January 1st with the opening of the low-level tunnel as well as use of historic diversion tunnel. The initial drawdown will occur from January 1-to approximately March 15 to 30th. The maximum drawdown rate for the second phase of Copco No. 1 Reservoir drawdown shall be 5 feet per day and the discharge flow will range from approximately 4,197 to 2,285 cfs (Table 2-2, Drawdown and Diversion Plan). Final drawdown will be achieved when the water surface elevation is maintained below the crest of the historic cofferdam (2,515 ft), which should occur on or before July 1st, based on inflow conditions.</li> <li>• Iron Gate Reservoir will be drawn down to its minimum operating level (2,327.3 ft) prior to January 1st. On January 1 the Iron Gate initial drawdown will commence</li> </ul>

CA WQC Condition	Renewal Corporation Response
	<p>and be completed between March 15 and 31st in a median water year. The maximum additional discharge below Iron Gate Dam associated with Iron Gate Reservoir drawdown activities shall be limited to 4,000 cfs, due to hydraulic limitations in the Iron Gate tunnel. The drawdown rate in the overall reservoir will be less than 5 feet per day. Final drawdown will occur when the reservoir elevation drops below the historic cofferdam dam crest (2,212 ft).</p> <ul style="list-style-type: none"> <li>• J.C. Boyle Reservoir drawdown will be lowered to its normal minimum operation level (3,791.7 ft) prior to January 1st. On January 1st, reservoir initial drawdown will begin and shall conclude no later than March 31st. Final drawdown will occur when the reservoir elevation drops below the historic cofferdam dam crest anticipated by July 1st.</li> </ul>
<p><b>Condition 5:</b> Submit an anadromous fish presence monitoring plan to the California Water Board for review and approval.</p>	<p>The Renewal Corporation filed its updated Fish Presence Monitoring Plan with FERC in December 2021. The Renewal Corporation proposes to begin surveys for anadromous fish presence after the first year of drawdown with four consecutive years of monitoring and spawning surveys. The Renewal Corporation consulted with the California Water Board on this proposed change to Condition 5 and will include this request in its application for an amended CA WQC.</p>
<p><b>Condition 6:</b> Implement the following aquatic resource measures as proposed in appendix I of the 2018 Definite Plan as modified by this condition: (1) tributary-mainstem connectivity monitoring for adult and juvenile salmon; (2) spawning habitat availability report and plan; (3) overwintering juvenile salmonid salvage and relocation efforts; (4) rescue and relocation of juvenile salmonids and Pacific lamprey from tributary confluence areas; (5) the Iron Gate Hatchery</p>	<p>The Renewal Corporation filed its updated Aquatic Resources Management Plan (ARMP) with FERC in December 2021. The ARMP was prepared in consultation with the California Water Board, the North Coast Regional Water Quality Control Board (North Coast Regional Board), ODEQ, CDFW and affected Tribes. Based on these consultations, the Renewal Corporation will request the following modifications to Condition 6:</p> <ul style="list-style-type: none"> <li>• The Renewal Corporation proposes to refrain from performing reconnaissance surveys in the Klamath River between Iron Gate Dam (RM 192.9) and the Trinity River (RM 43.4) during the pre- and early-drawdown periods to evaluate the presence and relative abundance of yearling Coho Salmon. The Renewal Corporation is consulting with NMFS and the Karuk Tribe to identify capture sites for juvenile Coho within the mainstem between Iron Gate</li> </ul>

CA WQC Condition	Renewal Corporation Response
<p>management measure;  (6) California suckers adaptive management plan; and  (7) mussel translocation as modified in KRRC's October 10, 2018, letter to the California Water Board.</p>	<p>and the Trinity River. Rather than performing surveys to identify the locations, the Renewal Corporation will coordinate with the Karuk to utilize existing data and collect new data (e.g., bathymetric) to identify the locations typically populated by yearling Coho.</p> <ul style="list-style-type: none"> <li>• The Renewal Corporation, NMFS, CDFW, and PacifiCorp consulted extensively on the most effective approach to the management of Iron Gate Hatchery and Fall Creek Hatchery after the removal of the dams. Based on these consultations, CDFW, NMFS, PacifiCorp, and the Renewal Corporation concluded that it would be more effective to move all hatchery operations to Fall Creek Hatchery. This approach is reflected in NMFS BiOp.</li> <li>• The Renewal Corporation will seek an amendment to the CA WQC to remove the requirement to translocate mussels. The Renewal Corporation, CDFW, and the Tribes determined that the mussel translocation should not be implemented as this measure would create as much harm to the species as any benefit that would be derived from its implementation. The Renewal Corporation will request that the California Water Board remove this requirement from the CA WQC.</li> </ul>
<p><b>Condition 8:</b> Submit a report that: (1) identifies all drinking water supplies sourced from the Klamath River that may be impacted by the project; (2) describes measures the licensee will implement to protect each potentially affected water supply and why such measures are sufficient to protect the drinking water supplies; and (3) documents consultation with the applicable water supplier and how any comments made on the proposed measures were addressed in the report. In addition, prior to initiating drawdown, construct a</p>	<p>The Renewal Corporation filed its updated California Public Drinking Water Management Plan with FERC in December 2021. In that plan, the Renewal Corporation proposed to temporarily reroute the existing City of Yreka water supply pipeline across the Daggett Road Bridge. After further consideration of resource impacts, it was determined that the water line can be permanently attached to the Daggett Road Bridge. The California Public Drinking Water Management Plan is being updated to reflect this change. Prior to construction, the Renewal Corporation will reach an agreement with the City of Yreka on the estimated water delivery outage timeframe. Once constructed, the new replacement pipeline section will connect to the existing City of Yreka water supply pipeline. This location prevents Klamath River flows during and after drawdown from affecting that portion of the City of Yreka's water supply conveyance infrastructure.</p>

CA WQC Condition	Renewal Corporation Response
<p>replacement pipe for the City of Yreka’s current water supply pipeline and limit any interruption to water delivery to a maximum of 12 hours.</p>	
<p><b>Condition 10:</b> Comply with the terms and conditions in the California Water Board’s NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities during the life of the project. For any ground-disturbing activities that could impact water quality (including beneficial uses) that are neither addressed by the Construction General Permit nor addressed in other conditions of this certification, prepare site-specific water quality monitoring and protection plans for approval by the California Water Board.</p>	<p>The Renewal Corporation will request minor modifications to Condition 10 to clarify the specific measures required for ground-disturbing activities that could impact water quality (including beneficial uses) that are not addressed by the Construction General Permit or other conditions of the CA WQC.</p> <p>For pre-drawdown activities, the Renewal Corporation will prepare site-specific water quality monitoring and protection plans for any in-water work activities that could impact water quality (including beneficial uses) not otherwise covered by the Construction General Permit of the CA WQC. The Renewal Corporation, California Water Board, and North Coast Regional Water Quality Control Board have established a list of activities and a framework for the water quality monitoring and protection plans. For drawdown and post-drawdown activities, the Renewal Corporation will prepare a water quality monitoring and protection plan for any in-water work activities that could impact water quality (including beneficial uses) not otherwise covered by the Construction General Permit of the CA WQC.</p> <p>The water quality monitoring and protection plans will address the North Coast Basin Plan for turbidity, temperature, and pH for construction activities. They will also include measures to control construction-related erosion, stream sedimentation, and turbidity. The Renewal Corporation will seek guidance from the California Water Board with respect to: (1) best management practices for in-water construction activities; (2) description of work activities and site conditions pre- and post-construction; (3) water quality monitoring methods for turbidity, temperature, and pH; (4) corrective actions and adaptive management for exceedances; and (5) notification and reporting to the Deputy Director.</p>

CA WQC Condition	Renewal Corporation Response
	The specific measures required for Condition 10 will be incorporated in the Water Quality Monitoring and Management Plan and filed with FERC for final approval.
<p><b>Condition 11:</b> Submit a waste disposal plan to the California Water Board for review and approval that describes how the licensee will manage and dispose of all non-hazardous wastes generated as part of the project to protect water quality.</p>	<p>The Renewal Corporation will request that the California Water Board amend Condition 11 to bring its requirements in alignment with the Waste Disposal Plan, submitted to FERC in December 2021. Such changes will include clarification that the requirements of Division 2 title 27 of the California Code of Regulations do not apply to on-site disposal of inert, non-hazardous debris resulting from the Proposed Action.</p>
<p><b>Condition 13:</b> Submit a hatcheries management and operations plan to the California Water Board for review and approval.</p>	<p>As noted above, the Renewal Corporation, NMFS, CDFW, and PacifiCorp consulted extensively on the most effective approach to the management of Iron Gate Hatchery and Fall Creek Hatchery after the removal of the dams. Based on these consultations, NMFS, CDFW, PacifiCorp, and the Renewal Corporation concluded that it would be more effective to move all hatchery operations to Fall Creek Hatchery. This approach is reflected in NMFS BiOp. The Renewal Corporation will seek an amendment of Condition 13 to reflect this approach.</p>
<p><b>Condition 15:</b> Implement the following measures to protect water supply and beneficial uses: (1) Surface Water Diversions: (a) identify all points of diversion on the Klamath River; (b) contact all California water rightsholders with points of diversion on the Klamath River to determine whether the water right holder is interested in working with the licensee to evaluate potential project impacts to the water right holder; (c) if potential impacts are identified and if the water right holder is interested in working with the licensee, provide temporary accommodations (e.g.,</p>	<p>The Renewal Corporation will request minor modifications to Condition 15 to conform with available information regarding the location of groundwater wells that could be impacted by the Proposed Action. This should eliminate any inconsistencies between Condition 15 and the Renewal Corporation's December 2021 Water Supply Management Plan.</p>

CA WQC Condition	Renewal Corporation Response
<p>replacement water, settling basins) to address potential impacts; (d) following dam removal, investigate any adverse impact due to dam removal and implement measures to reduce impacts and allow the water right holder to divert water in the same manner (e.g., amounts, suitable quality, and timing) as before dam removal; (2) Groundwater: At least two months prior to commencing drawdown activities, monitor groundwater levels at a minimum of 10 locations within 2.5 miles of the California reservoirs and continue to monitor groundwater levels, at least monthly for at least two years following completion of drawdown; and (3) Reporting: The year prior to and annually for the first two years following drawdown, submit a water supply management report that documents activities required by this condition. The first report must also include a list and map of locations where fire trucks and/or helicopters may access the Klamath River and its tributaries for residential fire protection efforts in the hydroelectric reach.</p>	
<p><b>Condition 17:</b> Submit a bald and golden eagle management plan for review and approval.</p>	<p>The Renewal Corporation has consulted with the California Water Board to discuss the Renewal Corporation's preparation of an Eagle Conservation Plan rather than a Bald and Golden Eagle Management Plan. The Renewal Corporation developed its Eagle Conservation Plan in consultation with the U.S. Fish and Wildlife Service. Once the Eagle Conservation Plan is finalized, the Renewal</p>



<b>CA WQC Condition</b>	<b>Renewal Corporation Response</b>
	Corporation will confirm with the California Water Board that the Eagle Conservation Plan is functionally equivalent to the requirements of this condition.

**Table 3**  
**Additional Renewal Corporation Comments**

§ / Page	DEIS Reference	Renewal Corporation Comment
<b>2.0 Proposed Action and Alternatives</b>		
<p>§ 2.0 p. 2-1</p>	<p>We consider three alternatives: (1) the proposed action (KRRC and PacifiCorp’s proposal); (2) the proposed action with staff modifications; and (3) no action (continued project operation with no changes). DEIS § 2.0, p2-1.</p> <p>Other alternatives submitted during scoping are addressed in Appendix A, which includes a summary of information and analyses submitted during scoping. DEIS Appendix A.</p>	<p>The DEIS examines a reasonable range of alternatives for purposes of environmental review. The Proposed Action is implementation of a settlement proposal, and the Renewal Corporation is seeking an order on terms and conditions that are consistent, in all material respects, with the terms and conditions of the Klamath Hydroelectric Settlement Agreement (KHSAs).</p> <p>As noted in the DEIS, some commenters argue that the Commission should consider a broader range of alternatives, including partial dam removal, retrofitting the existing dams with new fish passage facilities, and other suggestions that are materially inconsistent with the KHSAs. The Renewal Corporation and the States of California and Oregon are not seeking a license to operate and maintain the Lower Klamath Project. The current licensee (PacifiCorp) has chosen to support the license surrender application rather than relicense the project. The Commission cannot compel PacifiCorp to continue to operate the Lower Klamath Project in its current configuration or in some lesser or modified configuration of hydroelectric development. As appropriately determined by Commission staff, none of these alternatives are technically and economically feasible, meet the purpose and need for the Proposed Action, or meet the goals of the applicants.</p> <p>The judgment of Commission staff with respect to these other alternatives is shared by the Oregon Public Utility Commission (OPUC) and the California Public Utilities Commission (CPUC). Relicensing the Lower Klamath Project would be more expensive</p>

§ / Page	DEIS Reference	Renewal Corporation Comment
		<p>and uncertain than the Proposed Action. In approving customer surcharges to partially fund dam removal (as opposed to relicensing) the OPUC concluded:</p> <p style="padding-left: 40px;">Ratepayers will be responsible for significant future costs for the Klamath Project (regardless of the disposition of the dams). . . . We are persuaded that continued pursuit of the relicensing option would pose significant risks to ratepayers. . . . The KHSA in contrast, offers a more certain path for the Project's future, providing a timeline for continued operation until December 31, 2010, followed by transfer of the facilities to a third party responsible for removing the dams. . . . Due to significant tangible and intangible benefits associated with the KHSA, we conclude it is in the best interest of customers and find the KHSA surcharges to be fair, just and reasonable.</p> <p>OPUC Order No. 10-364 (2010).</p> <p>In approving customer surcharges in California, the CPUC concluded:</p> <p style="padding-left: 40px;">We find that authorization of the proposed surcharge pursuant to the terms of the KHSA provides the most cost-effective method of collecting the funds necessary to resolve conflicts over resources in the Klamath Basin. Through the use of the KHSA cost cap, ratepayers are protected from the uncertain costs of relicensing, litigation, and decommissioning than customers may be responsible for [without] the KHSA.</p> <p>CPUC Decision 11-05-002 (2011).</p>

§ / Page	DEIS Reference	Renewal Corporation Comment
		<p>These findings are binding under state law for the purpose of analysis of alternatives to protect the interests of PacifiCorp’s power customers.</p>
<b>2.1 Proposed Action</b>		
<p>§ 2.1.2 p. 2-4</p>	<p>While most of the work proposed in the management plans would occur within the project boundary, some work would occur outside the boundary.</p>	<p>Dam removal pursuant to the license surrender order will be “project purposes,” and all lands needed for project purposes should be included within the project boundary. <i>Duke Energy Carolinas, LLC</i>, 129 FERC ¶ 61195 (2009). The Renewal Corporation will update Exhibit K, as instructed, to include all lands needed for implementation of the license surrender order.</p>
<p>§ 2.1.2.10 p. 2-19</p>	<p>Table 2.1-4. Fall Creek Hatchery fish production goals.</p>	<p>The table references the February 2021 version of the Management Plan, not the December 2021 version. The goals are, however, consistent with those in the December version.</p>
<p>§ 2.1.2.13 pp. 2-38 - 2-44</p>	<p>Table 2.1-9 – Existing recreation sites Table 2.1.10 – Recreation enhancement opportunities.</p>	<p>Tables in DEIS reference the February 2021 version of Management Plans. These references should be updated for the December 2021 versions of the Management Plans. The tables contain inaccuracies in terms of the timing of when facilities will be removed, and new facility information. This updated information will not alter the effects analysis.</p>
<p>§ 2.1.2.15 p. 2-46</p>	<p>Following the removal of the Iron Gate facility, KRRC would excavate a new trench into the riverbed and bury the new pipeline at a depth that would prevent scour up to the 500-year flood event.</p>	<p>The description of the City of Yreka water line requires updating to the current 100% design. The new permanent water line will be attached to the new Daggett Road Bridge. The Renewal Corporation will provide a revised description, including 100% design specifications, by June 2022. The revised design reduces both in-water and upland ground disturbance.</p>

<b>3.1 Geology and Soils</b>		
§ 3.1.3.3	<p><b>Sediment Deposition Effects on Crescent City Harbor</b></p> <p>“Sediment transport of sediment released from the reservoirs into the Pacific Ocean could create the potential for adding to siltation in the Crescent City Harbor. However, the extent of potential siltation in the harbor is not known.” DEIS § 3.1.3.3, p. 3-17.</p> <p>“For these reasons, it could be beneficial for KRRC to consider developing a more basic estimate of the potential contribution of sediment from the drawdown to Crescent City Harbor, using best available existing information and reasonable assumptions, and settle with Del Norte County and the Harbor District on an appropriate share of dredging costs to be paid by KRRC, to be administered outside the license surrender order.” DEIS § 3.1.3.3, p. 3-20.</p>	<p>In 2020, in collaboration with Del Norte County, the Renewal Corporation prepared an analysis of potential sediment impacts to Crescent City Harbor. Del Norte County’s technical representatives provided comment on the scope and content of this study and participated in the development of the measures that the parties agreed upon to address project-related sediment impacts that might occur (including the appropriate share of dredging costs to be paid by the Renewal Corporation). The underlying technical analysis is attached (Attachment 5).</p> <p>This analysis was incorporated and applied in our Del Norte Sediment Management Plan. Further, the Renewal Corporation and Del Norte County have entered into an agreement that addresses the Renewal Corporation’s obligations to address any project related impacts to Crescent City Harbor. See <i>Memorandum of Understanding Between the County of Del Norte, the Crescent City Harbor District and the Klamath River Renewal Corporation</i> (Mar. 3, 2021), FERC accession no. 20210304-5117.</p>
<b>3.2 Water Quantity</b>		
§ 3.2.3.2 p. 3-40	<p>In addition, KRRC’s proposal to begin the drawdown of Iron Gate Reservoir at least two weeks before the primary drawdown of the other facilities would create additional storage in Iron Gate Reservoir to help attenuate outflows from J.C. Boyle, Copco No. 1, and Copco No. 2 Reservoirs.</p>	<p>Please refer to the Reservoir Drawdown and Diversion Plan (December 2021), which does not include a two-week delay between Iron Gate drawdown and the drawdown of the other facilities. The Iron Gate diversion tunnel will only pass 4,000 cfs, which is below flood levels.</p>
§ 3.2.4 p. 3-47	<p>KRRC to monitor groundwater levels at a minimum of 10 locations within 2.5 miles of the California reservoirs.</p>	<p>The Renewal Corporation is seeking modification of CA WQC Condition 15 to conform with available information regarding the location of groundwater wells that could</p>

		be impacted by the Proposed Action. <i>See</i> Table 2(b).
<b>3.3 Water Quality</b>		
<b>§ 3.3.3.5 p. 3-101</b>	However, the Water Quality Monitoring and Management Plan does not include continuous monitoring in the Klamath River at a station between Shovel Creek and Copco No. 1 Reservoir, which is specified in Oregon DEQ condition 2. We assume this inconsistency would be resolved in the Oregon DEQ approval process.	The Renewal Corporation is seeking modification of CA WQC Condition 1 to exclude the station between Shovel Creek and Copco No. 1 Reservoir from the continuous monitoring requirement. <i>See</i> Table 2(b).
<b>3.5 Terrestrial Resources</b>		
<b>§ 3.5.3.2 p. 3-282</b>	BLM encourages KRRC to integrate the scour hole into the restoration plan and revegetate this site with native plants, and states that restoration efforts for the canal demolition area should include a planting plan with associated metrics for plant establishment and survival. BLM also states that the site should be contoured as much as possible to reflect the original grade.	The Renewal Corporation has been consulting with BLM on revegetation of upland areas on their property. Based on these consultations, the Renewal Corporation will develop work plans in consultation with the BLM in accordance with the Construction Management Plan to: (1) further develop plantings at the scour hole, to include revegetation and contouring of the area where feasible, (2) identify restoration approach and designs for the power canal demolition area, and (3) apply associated metrics per consultation with the BLM (Attachment 6).
<b>3.7 Recreation</b>		
<b>§ 3.7.3 p. 3-405</b>	Effects of the Proposed Action	While the DEIS acknowledges that the Renewal Corporation's Recreation Facilities Plan provides for future recreation benefits, the DEIS does not appear to acknowledge the recreational benefit conferred by the Renewal Corporation's in-kind contribution of recreational lands. These lands are currently under private ownership and will become available for public recreational purposes as a direct consequence of the Proposed Action. The transferred lands will be subject to restrictive covenants that ensure that these lands will be available for fish and wildlife, public education, and public recreational

		<p>access in perpetuity. The analysis of recreational impacts in the DEIS should recognize and account for this contribution to potential recreation sites, amenities, and river access locations.</p>
<b>3.12 Socioeconomics</b>		
<p>§ 3.13.4.8 pp. 3-516 - 3-517</p>	<p>“The proposed action may affect socioeconomic factors, including population and housing, employment, community services, tax revenue, social programs, and property values.”</p> <p>“As indicated in the comments of the County of Siskiyou, counties use tax revenue to fund programs such as public health, welfare, education, and a variety of other services. Tax revenue declines, estimated to be between \$600,000 and \$800,000 per year in Siskiyou County (comment letter from Representative LaMalfa, filed on August 20, 2021), could reduce funding for these programs, which could have a long-term, significant, adverse effect for people in Siskiyou and Klamath Counties who rely on government assistance.”</p>	<p>The fair market value of lands owned by PacifiCorp in Siskiyou County to be transferred to the Renewal Corporation (Parcel B Lands) is estimated to be \$2,800,000. The assessed value is entirely based on the lands, as PacifiCorp has now depreciated (to zero) the value of the infrastructure in the Lower Klamath Project, as authorized by the public utility commissions.</p> <p>These lands will stay in the tax base until (some or all) of these properties are subsequently transferred to the States of California and Oregon. If it is assumed that all Parcel B Lands located in Siskiyou County are transferred to the State of California and assuming that these lands are assessed at fair market value, this will reduce the current tax base, with corresponding revenue impact of approximately \$30,000 per year. A more detailed assessment of property tax impacts is attached (Attachment 7).</p> <p>We turn now to lands owned by third parties in the Project vicinity.</p> <p>As the DEIS notes, tax revenue for Siskiyou County could, in the short term, be impacted “due to a drop in property values near the reservoirs. However, increased property values near and adjacent to the Klamath River may result in an additional long-term increase in property tax revenues associated with improved water quality and restoration of fisheries and a more natural landscape.” DEIS § 3.13.4.8, p 3-517.</p>

		<p>In 2012, Bender Rosenthal, Inc. conducted a property value analysis of 668 impacted parcels that align or are influenced by the Iron Gate, Copco 1, and Copco 2 dams and their corresponding reservoirs and concluded that the “before and after” difference in value of the impacted parcels was \$2,666,094 (2008 valuation).<sup>13</sup> The hypothetical condition applied to assess the impact of dam removal on property values in 2012 considered dam removal as the sole factor including property values. This assumption does not take into consideration other factors influencing market conditions, nor does it consider the potential increase in property tax revenues associated with improved water quality and restoration of fisheries and a more natural landscape recognized by the DEIS.</p> <p>Since 2012, real estate values in the Iron Gate/Copco region have not significantly appreciated. Applying the same hypothetical condition (dam removal is the sole factor including property values) and assuming that the 668 impacted parcels have appreciated at a rate equivalent to the increase in the median price of existing single-family homes over the ensuing 14-year period,<sup>14</sup> then the “before and after” difference in value of the 668 impacted parcels is approximately \$3,955,000. The corresponding impact to tax revenues is approximately \$45,500 per year in the short term, and this is expected to diminish over time.</p>
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<sup>13</sup> Interior and California DFG (2012), *Klamath Basin NEPA Study - Dam Removal Real Estate Evaluation Report*, Bender Rosenthal, Inc. (July 2012), p. 52.

<sup>14</sup> California Association of Realtors, *Historical Housing Data, Median Prices of Existing Single-Family Homes* (Siskiyou County): \$200,000 (January 2008) \$296,000 (January 2022). <https://www.car.org/marketdata/data>