



COUNTY OF SISKIYOU

Board of Supervisors

P.O. Box 750 □ 1312 Fairlane Rd
Yreka, California 96097
www.co.siskiyou.ca.us

(530) 842-8005
FAX (530) 842-8013
Toll Free: 1-888-854-2000, ext. 8005

Tuesday, January 17, 2017

SISKIYOU COUNTY BOARD OF SUPERVISORS STATEMENT TO THE STATE WATER RESOURCES CONTROL BOARD REGARDING THEIR NOTICE OF PREPERATION AND SCOPING MEETINGS FOR AN ENVIRONMENTAL IMPACT REPORT FOR THE LOWER KLAMATH PROJECT LICENSE SURRENDER

The Siskiyou County Board of Supervisors would like to provide the following oral and written statement regarding the Water Boards notice of public scoping meetings in preparation of the Environmental Impact Report (EIR). In addition, the Board of Supervisors will be providing formal written comments by February 1st, 2017, in response to the *proposed* Notice of Preparation.

First, it seems that public notification of the original January 10th meeting was very limited, even within the County in which it is taking place. The Board of Supervisors was informed of the meeting by an individual who read about it on a local environmental group's webpage in late December 2016. We did not receive official notice from the Water Board until January 4, 2017, although it appears the notice was first sent out to certain people and groups on December 22, 2016. This short notice and limited communication violates, if not the letter, then certainly the spirit, of the law intended to notify and engage the public and solicit active participation. Unfortunately, this is not the first time situations like this have occurred. The County of Siskiyou deserves and demands adequate notice, at the earliest possible date, of all future public meetings.

Siskiyou County is concerned with the economic and environmental consequences that would impact the County if the four Lower Klamath River Dams were transferred to and removed by the Klamath River Renewal Corporation. To address a few of these concerns, the County continues to reiterate that the 20-30 million cubic yards of sediment that has collected behind the Dams, and would be released down the Klamath River after dam removal, has not been adequately evaluated to address the adverse local and environmental impacts. Over the last several years, water has been released from behind Copco Dam to initiate Klamath River pulse flows to help improve water quality and fisheries habitat during the summer months. If the Dams are removed, this water would not be available at the critical time needed, and would have to come from Upper Klamath Lake storage, which would impact agricultural and wildlife refuge deliveries in the Klamath Basin. Other issues include the potential for catastrophic floods, either during dam removal activities, or thereafter; and property value loss in the areas around Iron Gate and Copco Dams, which Siskiyou County estimates would be several million dollars. As part of the environmental process, it is the

Brandon Criss
District 1

Ed Valenzuela
District 2

Michael N. Kobseff
District 3

Lisa Nixon
District 4

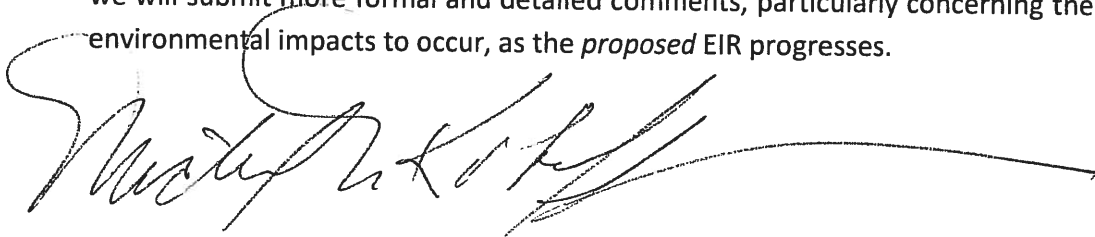
Ray Haupt
District 5

Water Board's responsibility to fully address these issues, impacts to Siskiyou County and impacts to Klamath River water quality.

In the past, when the Klamath Basin Restoration Agreement and Klamath Hydroelectric Settlement Agreement were being developed, environmental documents limited the analysis area to a five mile stretch of the Klamath River, which was inadequate and in no way addresses the total effects and consequences of Dam removal. During any environmental process concerning the Klamath River, the area of analysis needs to consider the entire river system, surrounding areas, and local communities, including Siskiyou County. We also raise the issue that this would be difficult to do as the Water Board does not have any jurisdiction beyond California, which raises the question as to the legal ability of the Board to analyze impacts for a Dam located in Oregon, and waters originating in Oregon. Nevertheless, any deviation from full analysis would be in violation of *Title 14, Chapter 3 of the California Code of Regulations, Guidelines for Implementation of the California Environmental Quality Act*. In relation to this, the Water Board's documents outlining the process for water quality permit certification seem to assume that Dam removal is the determined outcome, which would make the environmental document pre-decisional, and would again violate the Code of Regulations. We are requesting that you not make this assumption, and that you meet the needs of all impacted environmental and natural resources, and give due diligence to the people, livelihood, and economy of Siskiyou County.

To reiterate, it is Siskiyou County's expectation that there will be a fair and complete analysis of all environmental consequences of the proposed Section 401 Certification, for the entire impacted Klamath River system. *Only* if the Water Board thoroughly and transparently identifies, analyzes and determines whether possible mitigation measures are feasible, and would render identified impacts less than significant – and we submit that this is not possible - can the Water Board approve the requested 401 water quality certification. The California Environmental Quality Act, and interpreting case law, makes clear that proceeding without meeting these requirements would be an improper abuse of the Water Board's discretion in acting on this proposed project.

Thank you for the opportunity to make this statement on behalf of Siskiyou County. As indicated, we will submit more formal and detailed comments, particularly concerning the significant adverse environmental impacts to occur, as the *proposed* EIR progresses.

A handwritten signature in black ink, appearing to read "Michael N. Kobseff", with a long horizontal flourish extending to the right.

Michael N. Kobseff, Chairman
Siskiyou County Board of Supervisors