



United States
Department of
Agriculture

Forest
Service

Pacific
Southwest
Region

Regional Office, R5
1323 Club Drive
Vallejo, CA 94592
(707) 562-8737 Voice
(707) 562-9130 Text (TDD)

File Code: 2350-4/2770-2

Date: November 30, 2006

Magalie R. Salas
Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Via Electronic Filing

RE: FERC Hydroelectric Project No. 2082-027; Comments on the Draft EIS, Federal Power Act Section 10(a) recommendations, and Preliminary Wild and Scenic Rivers Act Section 7(a) determination

Dear Secretary Salas:

Thank you for this opportunity to comment on FERC's (Commission) *Draft Environmental Impact Statement for Hydropower License, Klamath Hydroelectric Project No. 2082-027, Oregon and California*. As outlined in our March 28, 2006 response to the Commission's Notice of Ready for Environmental Analysis, the Forest Service is participating in this proceeding under Section 10(a) of the Federal Power Act (FPA) and Section 7(a) of the Wild and Scenic Rivers Act (WSRA). This letter contains Forest Service comments on the Commission's Draft Environmental Impact Statement (DEIS); Forest Service recommendations under the FPA (enclosure 1); and, a preliminary determination, accompanying map, and report (enclosures 2, 3 and 4, respectively) prepared by the Forest Service and the National Park Service under the WSRA.

General Comments on the DEIS

- **Overall quality** – The DEIS is well-written, responsive to stakeholder input, and displays detailed, thoughtful analysis for most issues.
- **Range of alternatives including the proposed action** – The range of alternatives is generally adequate. However, given the many issues raised during scoping relative to other dams in the complex besides Iron Gate and Copco I, the Commission might consider an alternative that explores retirement of all mainstem dams.
- **Keno Dam and Reservoir** – If Keno Dam is not included in this license, its continuing impacts should be addressed as would be required under a decommissioning, according to the Commission's Decommissioning Policy Statement (Docket No. RM 93-23-000, issued December 14, 1994). The DEIS includes no explicit water quality management measures in the event Keno Dam is not included in the license nor are effects from Keno Dam and Reservoir analyzed in any alternative. If retained in the license, we agree with most of the Staff's environmental measures (page 5-55, line 13-25).



- **Level of detail of alternative description and effects analysis** - The Dam Retirement Alternative lacks detail about how the action would be conducted. The alternative description in section 2.3.4 (page 2-51, line 9-42 and 2-52, line 1-24) simply lists the environmental measures in the PacifiCorp Proposal and the Staff Alternative that would be removed or changed.
- **Further dissolved oxygen mitigation** – None of the alternatives that retain all facilities are likely to meet State water quality objectives for dissolved oxygen during the critical summer months for river reaches below Iron Gate and Copco Reservoirs. We recommend additional measures be explored to enhance the river’s natural aeration capacity, in addition to adopting the turbine injection and other staff-recommended measures.
- **Water quality plan adequacy** – Under Section 3.3.3.4, Unavoidable Adverse Effects, the DEIS discloses that “if the project is relicensed without removal of ...dams, the project would likely continue to adversely affect water quality conditions downstream of Iron Gate dam, which adversely affects Chinook salmon...”(page 3-312, line 42-43). While the staff developed a fairly comprehensive range of future water quality improvement plans, these plans need to specify quantitative outcomes with associated timelines. The outcomes should be commensurate with the impacts, and measures developed that have a reasonable chance of accomplishing necessary mitigation. In addition, the Keno development should be included in modified measure 4P, Reservoir Management for Water Quality, for project-affected reservoirs. Currently, Copco, Iron Gate and J.C. Boyle are explicitly included, but Keno is not (page 5-2, line 4-19).
- **Consistency with comprehensive and other resource plans** - The DEIS failed to analyze the effect of any alternative for consistency with the goals of comprehensive plans listed in section 5.5 (Consistency with Comprehensive and Other Resource Plans). These are simply listed on pages 5-82 to 5-86, with no analysis. The two pertinent National Forest Land and Resource Management plans are listed (page 83, line 24-27); however, it is unclear whether and, if so, how important management goals such as the Aquatic Conservation Strategy (ACS) would be met.

Comments on the DEIS alternatives:

The PacifiCorp Proposal is of questionable viability because it does not meet State water quality objectives for dissolved oxygen and temperature downstream of Iron Gate Dam and within the Klamath Wild and Scenic River (WSR). The proposed one-time gravel augmentation, designed to improve spawning habitat, would be of temporary and localized benefit. We concur with the Staff’s analysis that proposed hypolimnetic oxygenation might degrade other water quality parameters and needs further study. Based on existing information and analysis, we agree that this alternative would, overall, continue to contribute to the adverse cumulative effects on the anadromous fish populations. Additionally, truck-and-haul is not a sustainable method to reestablish fish passage. Therefore, it would not likely meet ACS intent.

The Staff Alternative (DEIS’ Preferred Alternative) would employ the same truck-and-haul methods, which we consider a last resort for restoring fish passage. Secondly, the effectiveness and timeliness of various water quality and habitat improvement plans are unknown, since little detail was provided. Thirdly, the Staff analyzed and recommended measures that are not

included in any alternatives. One such measure is releasing flushing flows to more effectively distribute imported spawning gravel. We recommend this approach be included in this alternative for the gravel to be added to the reach downstream from Iron Gate Dam. Similarly, seasonal releases from Iron Gate Reservoir of warm surface water in spring and cool bottom water in late summer for short-term benefits to fish may be a valuable mitigation measure. Finally, Measure 6S to address microcystis monitoring (DEIS, page 5-6) do not address downriver effects that the Yurok and Karuk Tribes have documented (Kann and Corum, 2006, and Mike Belchik, personal communication). This alternative does go beyond the PacifiCorp Proposal toward meeting ACS.

The Staff Alternative with Mandatory Conditions would allow passage to an estimated 58 miles of habitat for Chinook and coho salmon, steelhead trout, and Pacific lamprey. This alternative would complement multi-decade fish habitat restoration efforts of the Forest Service and other entities. The risks associated with fishways appear significantly less than the truck-and-haul approach proposed in the PacifiCorp and Staff alternatives, and with a greater likelihood of restoring anadromous runs. Habitat connectivity and several other ACS objectives would be met.

The Copco 1 and Iron Gate Dam Retirement Alternative appears to have promise for restoring fish passage, habitat, and improving water quality. This alternative provides the greatest level of enhancement for the various resources on National Forest System lands dependent on a robust fishery and clean water, and, in the long run, would meet all ACS objectives. We ask that it be more fully described and analyzed in the Final Environmental Impact Statement. The DEIS leaves important questions unanswered, including:

1. Would peaking continue at J.C.Boyle power plant? If so, even with the protective NMFS 2002 BiOp ramping rates, this would increase the flow variability during certain seasons in the river below Iron Gate. This would have both positive and negative effects, depending on the resource, location, and water-year type.
2. What would be the duration, magnitude and extent of “short-term” impacts from releasing the sediment to erode downstream? Modeling of sediment routing based on empirical data at downstream cross-sections is needed. The DEIS (page 5-58) implies that the downstream erosion approach for disposing of the sediment is feasible, however, certain assumptions about sediment toxicity were made in the DEIS based on a preliminary report from a screening level contaminant study. We have looked at available information filed as a part of this and other proceedings (such as PacifiCorp’s results from study of toxic residue in fish tissue, summarized on DEIS page 3-120; also pages 3-157 and 3-292) and detail specific questions in the enclosed documents.

A detailed analysis of dam removal consequences is necessary to identify mitigation needs.

Section 10(a) Recommendations

The USFS recommended several draft mitigations in its March 28 letter. Most of these were addressed in the DEIS. Ones which we feel were not adequately dealt with are:

1. Dissolved oxygen enhancement.
2. Offsite nutrient feasibility study and enhancement.
3. Instream flow downstream of Iron Gate Dam
4. Hatchery operations.
5. Fish production monitoring, evaluation, and adaptive management.

Specific recommendations and supporting rationale are provided in Enclosure 1.

Wild and Scenic Rivers Act (WSRA) Section 7(a) Preliminary Determination

The Forest Service, Pacific Southwest Region; the U.S Department of the Interior (USDI), National Park Service (NPS), and the USDI, Bureau of Land Management (BLM) signed an Interagency Agreement in 2001 to cooperatively evaluate proposed water resource projects under Section 7(a) of the WSRA to protect free-flowing characteristics and outstandingly remarkable river values. The Forest Service is responsible for making Section 7(a) determinations for the California (CA) Klamath WSR from the upper boundary of the WSR to the downstream boundary of the Six Rivers National Forest, and the Park Service is responsible for making Section 7(a) determinations from the downstream boundary of the Six Rivers National Forest to the sea. The BLM is responsible for such determination in a separately designated Oregon segment. The BLM will be filing a preliminary determination for the Oregon segment at a later date. The Forest Service and NPS are filing a single and integrated preliminary determination for the entire CA segment. Enclosure 2 is the responsible officials' preliminary determination; Enclosures 3 and 4 are the accompanying map and report.

Relative to the CA Klamath WSR, I and the Regional Director, Pacific West Region of the NPS, find that none of the action alternatives described in the DEIS will unreasonably diminish the scenic, recreational, fish or wildlife values present in the area upon its designation as a component of the National Wild and Scenic Rivers System. We will consider additional information provided in FERC's Final Environmental Impact Statement, including the potential effects of, and mitigation measures for, sediment release in the Dam Retirement Alternative, to inform our final determination under the WSRA.

If you have any questions, please contact Roberta Van de Water, Forest Service Project Coordinator for the Klamath National Forest, at (530)841-4534.

Sincerely,

/s/ Beth G. Pendleton
BETH G. PENDLETON
Deputy Regional Forester
Enclosures