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COUNTY OF SISKIYOU

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January 31, 2012

VIA FAX 202-208-4561

The Honorable Ken Salazar
Secretary of the Interior
U. S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Re: Comments to Overview Report on Klamath Dam Removal Studies

Dear Secretary Salazar:

This letter is to serve as my comments with respect to the Draft Overview Report on the Klamath Dam Removal Studies that the Department of the Interior has issued.

In preparing these comments, I am reminded of your comment in front of Supervisor Jim Cook and others at the Department of the Interior a couple of years ago that the effort to remove the dams "must not fail." While you have tried to avoid the consequences of that comment and engaged in political spin to the effect that it meant something else, it is evident from this Report and the EIR/EIS that has been prepared that you apparently are going to honor your predetermined conclusion no matter what the science and people of this country say.

Mr. Secretary, what you are about to do will be a failure of epic proportions.

You will fail in your duty to be a good steward of the lands entrusted to your supervision. As demonstrated by this Report, you will fail to even acknowledge the flaws in this proposal pointed out by your own experts. You will fail to provide a "robust" scientific analysis as you have promised. You will fail to engage in a "robust" NEPA process, and, most *tellingly*, you will fail to restore the fisheries that purportedly underlie the whole ill-conceived scheme

Jim Cook	Ed Valenzuela	Michael Kobseff	Grace Bennett	Marcia H. Armstrong
District 1	*District 2*	*District 3*	*District 4*	*District 5*

to remove the Klamath dams.

My comments above are supported by the very science in which you have invested millions of taxpayer dollars and by the very scientists that have been engaged by your Department. We hope that this newly created "six member independent panel" that is to review the Draft Overview Report is not comprised of lackeys or political scientists that will merely produce your predetermined desired result.

I do not lightly make the charges above, and as set forth hereinbelow in detail, I back up my comments with facts.

Executive Summary

With respect to the Executive Summary produced, if it is indicative of the advice that is being given to you, then it is clear that you are being presented with a one-sided view in support of a predetermined decision in favor of dam removal. In fact, only if you take what in some people's opinion could easily be characterized as a work of fiction to be true, then you will be able to self-validate your commitment to not fail to take the dams out.

In the portion dealing with impacts to fish, the Report continues to ignore the actual contents of the four fisheries Expert Panels Report. The Report does not vary from the flawed conclusions in the Draft Environmental Impact Statement (DEIS). There is no recognition of the errors in the sediment release calculations, the related impacts on fish stocks, the diminished water quality occurring because of dam removal and no discussion of the interspecies conflict issues which increase redband trout populations such that they could actually diminish salmon populations after dam removal. Absent from the entire analysis is any response to the fisheries issues and other issues that this County raised in its comments to the Draft EIR/EIS.

In the section of the Report discussing water quality benefits[1], the Report confines its discussion to reservoir algae, concluding that eliminating the reservoir will eliminate algae toxins. There is absolutely no recognition of the fact that the DEIS admits that there are two types of algae and that the second type of algae, river algae, will increase under a dam removal scenario with attendant adverse impacts to water quality and fish restoration.

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[1]Pages 11, 27 and 31.

The sediment discussion[2] is limited to short-term in-river impacts occurring immediately after dam removal. There is no discussion of residual impacts from sediment remaining in the river. There is no discussion of estuarine and ocean impacts. There is no discussion of the pollutant loads in the sediments. However,[3] the Report acknowledges that sediment released could have unknown and adverse effects if the release does not go according to plan. The County has presented evidence with mathematical certainty that there are significant errors in the volume of sediment to be released and significant adverse effects even if the sediment release occurs as planned. There is absolutely no discussion of these issues.

With respect to water quality, there is no discussion in the Report[4] of water quality problems associated with dam removal. The fishery Expert Panels and other facts in the Draft EIR/EIS demonstrate that the issues with water quality will in fact have a harmful effect. There is no discussion with respect to the fact that the draft TMDL proposed by the State of California is currently the subject of litigation between PacifiCorp and the State of California and no examination of the substantial flaws in how that TMDL was arrived at. It is PacifiCorp which has pointed out the flaws in the TMDL; yet, nowhere is this issue examined in any detail, nor is there any scientific review. There is merely an assumption that all will be well. It is likely that this assumption is made because if PacifiCorp gets the "deal" and millions promised, of course, they would withdraw their challenge to the flawed TMDL. In dealing with water quality, there is no mention of the fact that the water coming in from Oregon is the source of the problem. No amount of dam removal or other efforts in the river downstream from the dams can effectively deal with the poor water quality coming in from Oregon. The analysis silence on this issue is unfathomable.

The water supply for the City of Yreka is also an issue that needs further review. While the Report acknowledges[5] that dam removal will compromise the water supply to the City of Yreka, and although the DEIS suggest that the Interior Department has effectively decided how to replace the Yreka pipeline, there is no meaningful analysis of the objections to this idea filed by the City, nor is there any response to the detailed criticism of an elevated pipeline that was filed by the City of Yreka. The Report merely indicates that this

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[2]Page 13.

[3]Page 17.

[4]Except for a charge on page 11 that claims all will be well.

[5]Page 14.

decision will be "made in consultation" with the City. If anyone had bothered to review the comments from the City, they would see, in fact, that there is no agreement as to how that is going to be handled and no conclusion that there will be sufficient funding for safely securing the water supply for 7,500 people.

Siskiyou County has repeatedly raised the issue of flooding. The Report itself acknowledges that there is a risk of flooding, but then attempts to diminish that issue by stating it is "small."[6] If it is your house being flooded, perhaps you may not think it is so "small." In fact, the loss of the dams will diminish the time that the people downstream will have to get out of the way of any flood and place the lives of the citizens of the County in jeopardy. The County filed many comments on this issue and none are addressed in the Report. It is encouraging to see that the Report finally acknowledges that dam removal will affect cultural and historical sites that are now submerged. However, there is no plan to deal with the issue of these sacred and other sites. The Shasta Tribe has provided detailed information to the County which was forwarded to and given to the representatives conducting the EIR/EIS; yet, nowhere is there an acknowledgment of the risk to these sites. Particularly disturbing is that the Benefit Cost and Regional Economic Development Technical Report, at page 1-46, states that for the cultural resources site mitigation costs, such costs were extracted from the facilities removal cost estimate and treated somewhere else in the Benefit Cost Analysis. If they are extracted from the removal estimates, who is going to fund them? This seems a rather shabby way to treat the cultural resources of the Shasta Tribe. We know they have not been "recognized" by the federal government, but certainly their existence and the sanctity of their cultural sites cannot be so callously overlooked.

The Draft Overview Report in discussing economic benefits is also disturbing in its purposeful ignoring the harm that will be caused to Siskiyou County, failure to identify any mitigation and use of a suspect nonuse valuation analysis to justify dam removal. The nonuse valuation and survey need to be put in perspective. I am informed that at one time there was a nonuse valuation conducted for 168 whooping cranes. That valuation resulted in a cost of about $3.72 Billion to save each of the endangered whooping cranes or somewhere in the neighborhood of $625 Billion to conserve and protect 168 whooping cranes. In short, these nonuse surveys often result in unrealistic and invalid numbers. If the nonuse values are what is underlying the determination to remove the dams, there are serious concerns with the methodology utilized by the Department of the Interior in conducting this survey. Setting aside the "nonuse values" in the net-benefit calculation

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[6]Page 18.

in Table ES-9, the sum of the benefits and foregone benefits is a negative $1,138,300,000, resulting in a negative benefit-cost ratio of approximately 2.5. We have some other observations on the nonuse valuation below, however, providing the County and others only a couple of weeks to review a survey that has taken a couple of years for the Department to prepare is essentially depriving the County and others of any meaningful opportunity (not to forget the lack of economic resources) to meaningfully review this summary. The County has produced many comments and information throughout the process which are simply ignored. The County Assessor has on many occasions provided information with regard to the valuation of the County tax base. Those who conducted the study chose an improper base year for the study failed to include the structures in their analysis, and it appears may have preselected the properties and other sites to be utilized. No one has ever meaningfully addressed the estimates in the original Camp, Dresser & McKee (CDM) Report which identified millions of dollars of impact to the tax base of Siskiyou County.

This Draft Executive Summary is as flawed as the original EIR/EIS and engages in a selective disregard of the facts and science which demonstrate that, at a minimum, there is insufficient information to move forward in this matter and expend over a Billion Dollars of taxpayer money on this flawed endeavor.[7]

Economic Impacts

Over the past several years, the County has repeatedly pointed out to those conducting the EIR/EIS and now points out to the Peer Review Panel the flawed nature of the studies undertaken to examine the impacts to Siskiyou County. Notwithstanding the fact that because the science demonstrates that there will be a failure in the fisheries restoration expectations and therefore the projected benefits for San Francisco Management Area, the Fort Bragg Management Area, Humboldt and Del Norte Counties in California, Central Oregon Management Area, and Curry County, Oregon and Klamath County, Oregon will simply never occur, there is no mitigation or identification of how the impacts to Siskiyou County are going to be addressed. For example, the Executive Summary at Table ES-3, in its discussion of regional economic development impacts, identifies that there will be 49 jobs lost in Siskiyou County, $2 Million of labor income lost, $5 Million of output lost, as well as job loss in recreation and other uses. They are simply not identified in the Draft

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[7]Benefit Cost and Regional Economic Development Technical Report identified KBRA costs in 2007 and 2012 dollars as $798.5 Million and $860.4 Million, respectively. This is in addition to the $200 Million-$400 Million costs of dam removal.

Overview Report. The Overview Report falsely identifies $20 Million that would come to Siskiyou County. It is hard to understand how this falsehood can continue to be perpetrated in good faith by the Department of the Interior. The County is not a signatory to the KBRA and, even if it were, the $20 Million identified in the KBRA was illusory to begin with. It was to come from unidentified funds in an unidentified manner at some unidentified time in the future. Significantly, it was money being used to simply try to buy Siskiyou County officials' signature on the document, while at the same time depriving them of any ability to determine how that money was going to be spent. Under the proposals given to the County in the KBRA, those funds would have been overseen by officials from nongovernmental organizations, other state organizations, people from other states, Tribes, and others. No duly elected governing body in the County of Siskiyou could abdicate its authority in such a base manner.[8]

Significantly, the economic analyses have ignored the County's comments and suggestions that they look at the timber management practices as a way to increase the available water for the Klamath region. The County of Siskiyou was devastated by the *Northwest Forest Plan*. This economic devastation was demonstrated and the failure of this Plan is demonstrated by the *Northwest Forest Plan--The First 10 Years (1994-2003)--Socioeconomic Monitoring of the KNF and Three Local Communities*, published in 2008. This study demonstrates harmful impacts of this federal policy. Rather than ignoring the basic fact that timber management practices have reduced the availability of water and that the whole Klamath restoration program will fail without additional cool, clean water, the economic analysis should look at revitalization of the timber industry in Siskiyou County as a way to increase available water. Because timber management practices have resulted in an increase in undesirable growth of some trees and other plants in the forest and their corresponding consumption of water, the effect of the Klamath dam project will be to focus pressure for clean, cold water on the Scott and Shasta Rivers which support major agricultural activity in the County of Siskiyou. Nowhere in either the economic analysis or in the water studies is the fact that without additional water, the whole plan to restore anadromous fish will fail and destroy agriculture in Siskiyou County as a result.

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[8]Siskiyou County does acknowledge that there is a $20 Million proposal for economic development in the California Water Bond. However, this money is not linked to the removal of the Klamath dams. In fact, these funds are speculative at best given that anyone in their right mind would seriously question the probability of success of a $10-$11 Billion bond being passed by the California electorate in November 2012.

The County has repeatedly asked that the impact of the *Northwest Forest Plan* and the cumulative impact of that Plan and the proposed removal of the Klamath dams be examined. This request has been ignored. Its examination is a required component of the EIR/EIS. The following bullet points demonstrate why the National Economic Development Benefit Cost Analysis is flawed. These are just examples.

- Table 1.3-1. In addressing Tribal commercial fisheries, the table states: "Insufficient data available to quantify these benefits. However, dam removal is anticipated to positively affect Tribal commercial fisheries dependent resources." How, if there is insufficient data, can such a result be "anticipated"?

- Table 1.3-1. There is "insufficient data available to quantify these benefits" with respect to in-river steelhead and redband trout sport fishing.

- Table 1.3-1. There is "insufficient data available to quantify these benefits" with respect to refuge wildlife viewing. How can this unsubstantiated, unsupported "anticipation" serve to meaningfully inform anything?

Let's look at some of the cost benefit comparisons with respect to real estate values and hydropower.

- Table 1.3-1. This states that with respect to real estate values, "insufficient data available to quantify changes in real estate values. The extent to which these changes are positive or negative depends on the magnitude of property value changes, over time, for lands proximate to the reservoirs and to the restored river."

- Table 1.3-1. With respect to hydropower ancillary services, i.e., services that support transmission of electricity from its generation site, this table states: "Explicit consideration of ancillary services is outside the scope of the analysis."

- Table 1.3-1. With respect to regional powerplant emissions, the table states: "The hydropower analysis fully described in this document does not consider the effect, if any, of changing hydropower production levels on system-wide powerplant emissions or regional air quality."

Again, if there is insufficient data or excluded information, how can a true cost benefit analysis that is to any extent meaningful be created? Given President Obama's concern about the environment and specifically renewable energy, how can an *economic cost* benefit analysis ignore the increased burden on the environment of replacing hydropower

with some other energy alternative (although unspecified in the EIR/EIS) and what this will be? What if it is coal? What if it is oil? Certainly there would be not only an economic impact but an environmental impact to such things. In a footnote to Table 1.3-1, on page 1-66 of the National Economic Development Benefit Cost Analysis Technical Report, there is a comment of interest with respect to the recreational and fishing industry. It states: "Although the extinction risk for coho salmon would improve under the action alternatives, those alternatives do not indicate a prospect for delisting of coho. This indicates there would be very little possibility of any use value (e.g., recreational fishing) associated with this species in the foreseeable future under the action alternatives." While we do not concede that there will be an improvement under the dam removal scenario, certainly it is of concern that there is no real possibility of an increase in recreational fishing. Recreational fishing increases is something that has been advanced throughout this process as a reason to remove the dams.

- In the Siskiyou County area, the Economic Analysis conducted at page 2-8 discusses recreational fishing.[9] This discussion for the Siskiyou County area speculates that there will be an increase of "three more jobs" in the recreational salmon fishery. However, there is insufficient data to estimate any potential impact with the recreational steelhead fishery and no examination of any potential regional economic impacts in an increase in the redband trout fishery. With respect to the redband trout, one must ask if there is to be a sevenfold increase in redband trout and the Expert Fish Panels identify salmon as the prey of redband trout, it is of concern that there is no discussion of these apparent contradictory facts. We also know from Section 2.9 of this same table that an additional four jobs will be lost in reservoir recreation in Siskiyou County with dam removal. Section 2.10 of this same analysis indicates that whitewater recreation expenditures would decline by 14 and labor and income output would decline by over a Million Dollars (0.43 for labor and 0.89 for income).

<u>Klamath River Basin Restoration Nonuse Value Survey</u>

We believe the Expert Review Panel should not only review what we believe is flawed methodology of this Nonuse Value Survey, but also the comments of individuals returning the surveys. Siskiyou County has been told that often in such surveys, it is what is good for the country, not what is good for a small region or area. The comments of the people

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[9]This is Chapter 2, page 2-8, Regional Economic Development Impact Analysis Benefit Cost and Regional Economic Development Technical Report.

throughout the United States, as well as of the area, are enlightening on this issue. Here are a few of their comments from the Appendix:

- "I thank you for giving me information on the Klamath River, I never heard of it . . . (C-71)
- "I feel this survey should only have been given to the people it concerns." (Page C-74)
- "This should be a local concern with local responsibility." (Page C-66)
- "Whenever your company conduct the survey next time sent the survey to people live in that area otherwise it is a waste of money." (Page C-66)
- "Those living in the affected area should be given special consideration for the pros and cons the changes will have on their lives thanks." (Page C-67)
- "I live in Fernley, NV; not sure this survey is relative to my location (i.e. gov't waste)" (Page C-68)
- "I read the information thoroughly, but do not think people can knowledgably answer questions here without studying more and asking other questions , for e.g. I've never heard of these sucker fish--do people eat them . . ." (Page C-69)
- "I think I live too far from Klamath to survey." (Page C-76)

These are comments from people in the rest of the United States about who should be taking part in the survey. Also tellingly, many folks were of the mind that they were excited about getting a $2 bill in the survey, while others expressed disappointment on the waste of tax dollars and the fact that many of them would be throw away.

- "Thanks for the $2 bill . . ." (Page C-67)
- "Extremely annoyed that an actual $2 bill was sent with this survey as most people just threw the survey unopened. Typical waste of government money." (Page C-64)

After various comments about the $2 bill, the wastefulness of the study, and other such issues, the survey also was sent to folks in other places in the United States who

apparently have a deep affection for fish in that they stated:

- "I would like to save the fish. I love fish." (Page C-60)

Of course, it is this type of well informed, learned analysis this type of survey elicits.

There are many other comments and with respect to the integrity of the survey, a significant portion of them thought the survey was heavily slanted toward fish restoration and dam removal.

- "This survey is very one sided favoring the environmentalist views. It does not consider how it will effect the people living in the Klamath Basin region." (Page C-3)

- "I think this survey was heavily slanted toward fish restoration and dam removal." (Page C-6)

While there are many other such instances in the comments, tellingly, the overwhelming nature of the comments show that both in the region and throughout the United States, the opinions of most folks is that it is a bad idea. It is difficult to see how this nonuse valuation, when the comments are reviewed, indicates anything other than the people of the United States and the region feel that this is not a good idea, not a good use of taxpayer dollars, in many cases is a waste of taxpayer dollars, and overwhelmingly, except for the individual who "likes fish", appear not to support this endeavor.

Many good questions were asked by the people receiving the slanted survey, in spite of the effort to skew it in favor of dam removal. They asked for more information, they asked why fish passage was not studied, they questioned the utility of removing hydroelectric power facilities and why the corresponding harm to the environment is not addressed. While the colored in circles of the survey may have led to a statistical result that, of course, was predetermined to be in favor of dam removal (stated to be so by some of the commenters), it is clear that when the comments are reviewed, no matter where they live, people really don't think it is a good idea.

While I understand that my letter is somewhat lengthy and that your Peer Review Panel may treat it with equal disregard as those drafting the Overview Report did with our EIS/EIR comments, I am providing some specific observations, along with the request that the Peer Review Panel actually read the County's EIS/EIR comments in peer reviewing this Overview Report. Addressing our comments in the Report can lead to no other conclusion that the Secretarial Determination in favor of dam removal will be a failure.

I believe that NEPA and CEQA require that there be a hard look at the environmental and economic effects of your proposed action. The underlying EIS/EIR is not fairly examined in the Overview Report. The Report proposed to be presented to you fails to take the requisite hard look that NEPA and CEQA require, ignores key issues, uses incorrect facts, misstates the conclusions of expert Review Panels established by the Department of the Interior, and glosses over adverse environmental and economic effects or outright refuses to acknowledge them. This Overview Report is nothing more than a subterfuge designed to rationalize a decision that has already been made. We provide the following specific observations that we provided in the EIR/EIS that we believe the Peer Review Panel should address specifically:

- The EIS/EIR states the need for the Proposed Action is to advance the restoration of salmonid fisheries. DOI established four Expert Panels to study the likelihood of the Proposed Action achieving that goal. After reviewing the data, the Expert Panels called the results of the Proposed Action "small," "remotely possible," "uncertain," "unlikely," and "not feasible." In short, there is a very low likelihood the Proposed Action will achieve its goal.

- A recurring theme in the Expert Panel Reports is that the data and analyses necessary to support the conclusions in the EIS/EIR have not been done. The actual effects of the Proposed Action are simply not known despite claims to the contrary in the EIS/EIR. Because of the absence of data and analyses, one Expert Panel termed the Proposed Action an "experiment." Spending hundreds of millions of dollars on an "experiment" that will, at best, achieve "small" results is highly questionable.

- To justify the Proposed Action, the EIS/EIR makes fundamental errors of analysis. For example, the EIS/EIR examines the effects of the Proposed Action on fish as if each individual species is the only occupant of the ecosystem. However, these species share the same habitat, compete for the same space and food, and prey on each other. Failing to examine interspecies ecosystem relationships is a conspicuous and glaring omission in the EIS/EIR. This is especially true when one Expert Panel determined that interspecies conflicts, including predation on salmon by an expanded redband trout population, could result in "cancelling" the benefits to salmon claimed to result from the Proposed Action. Increased predation resulting from the Proposed Action also poses real threats to the bull trout, a species protected under the Endangered Species Act.

- The benefits claimed for the Proposed Action in the EIS/EIR are illusory or negative. For example, an Expert Panel judged the net benefits of the Proposed Action for salmon to be "small." Among many other things, the Panel noted that salmon need spawning beds that are relatively free of silt and sediment. In concluding that the benefits to salmon would be "small," the Expert Panels based their analysis on an assumed sediment release of 200,000-400,000 tons after dam removal. The actual number, using data in the EIS/EIR, is 3,540,000 tons.

- An Expert Panel found the EIS/EIR's reliance on average daily mean temperatures to measure the temperature impacts of dam removal on fish was incorrect. Fish do not experience average temperatures. Fish experience hour-by-hour temperatures. If temperatures rise above a certain level, notwithstanding the average, fish are adversely affected. An Expert Panel concluded that dam removal will increase the highest temperatures experienced by fish.

- A key water quality problem in the Klamath River Basin is high nutrient loads that cause low dissolved oxygen and algae blooms. The EIS/EIR admits the Proposed Action will increase nutrient loads and, therefore, make water quality worse.

- Another key water quality problem is algae growth. The EIS/EIR admits the Proposed Action will make this problem worse.

- Water quality is adversely affected by elevated pH levels. The EIS/EIR admits the Proposed Action will make this problem worse.

- Low dissolved oxygen levels are yet another water quality problem. The EIS/EIR concedes this problem is likely to be worse because of the Proposed Action.

- Disease is a major problem affecting fish populations. Because increased river algae biomass provides improved habitat for disease carrying worms, the Proposed Action will make the fish disease problem worse.

- According to the EIS/EIR, freshwater mussels, an important subsistence and cultural species for tribal people, experience "substantial" mortality when buried for more than four-five days. The EIS/EIR admits freshwater mussels,

and all other filter feeders, will be buried under up to two feet of sediment for three-four months.

- The EIS/EIR is also riven with inconsistent statements and inadequate or non-existent analysis. For example, in at least four places the EIS/EIR states it need not examine the effects of dam removal on estuarine habitat, including the essential fish habitat in the Klamath River estuary, because sediment will not reach the estuary. In an equal number of places, the EIS/EIR says sediment will reach the estuary. Both assertions cannot be right. If sediment will reach the estuary, the EIS/EIR has failed to examine the effects of increased sedimentation. If sediment will not reach the estuary, the EIS/EIR has understated the effect of adding 3.5 million tons of sediment to salmon spawning beds and other river habitat. And nowhere does the EIS/EIR discuss the impacts on the ocean environment.

- The EIS/EIR admits that dioxin and other chemicals are present in dangerous levels behind J.C. Boyle Dam. There is no analysis of the likely adverse impacts of these pollutants. Instead, the EIS/EIR says these hazardous pollutants will be diluted when the three dams below J.C. Boyle Dam are removed. The EIS/EIR ignores the habitat between the J.C. Boyle Dam and the next dams. The EIS/EIR also ignores the issue of whether these substances, even if diluted, remain harmful.

- After admitting there are special status invertebrates in the project area, one of which could be listed under the Endangered Species Act, the EIS/EIR completes its "hard look" analysis of the impacts of dam removal on invertebrates in just five lines.

- The EIS/EIR notes the presence of 174 bird species in the project area stating that buffer zones will be needed to protect many of them from activities undertaken as part of dam removal. There is no discussion of whether the size of the buffer zones are adequate or why.

- The EIS/EIR admits dam removal will increase the risk of flooding and decrease the time people have to respond before the flood hits. There is no analysis of the effects of those increased risks.

- All the towns in the County of Siskiyou are "at risk" communities for wildfires. Dam removal will remove reservoirs that provide water to fight such fires. The EIS/EIR fails to properly examine the effects of this decreased fire fighting ability.

- The EIS/EIR first states that the concrete, earth, and other waste from dam removal will be disposed of on-site. Later, the EIS/EIR states this waste will be taken to local landfills. Both statements cannot be right. If the waste is disposed of on-site, the EIS/EIR says it will be placed in areas that are now protected open space and conservation areas. The EIS/EIR does not examine the impact on these areas of disposing of approximately 1.4 million cubic yards of waste. If the waste is sent to local landfills, the EIS/EIR does not examine the impact on the counties of using up almost one-third of the capacity remaining at two landfills.

- The EIS/EIR acknowledges that roads and bridges in the project area were not designed to sustain the heavy loads associated with dam removal and could be incapable of supporting this weight. After these admissions, the EIS/EIR says an in-depth analysis will be done later.

- The EIS/EIR admits tax revenues to the County of Siskiyou will decline, perhaps indefinitely. There is no analysis of the effects of reduced revenues on the County's ability to serve its citizens.

- The EIS/EIR admits land use changes will occur as a result of dam removal but decides it will "not describe potential changes in land use that would occur if the dams were removed."

- The dams provide energy sufficient to power 65,000 homes for a year. The County of Siskiyou has approximately 23,500 homes. Every household in this and other counties will be affected. The EIS/EIR contains no analysis of the impact of increased energy costs on the citizens of Siskiyou County or of the environmental effects of replacing clean hydropower with other energy sources.

- The EIS/EIR uses incomplete data as to water supplies, rights, and facilities. While the EIS/EIR makes a limited effort to identify exiting water rights, it fails to consider the specific circumstances and physical facilities associated with those water rights and diversions and, therefore, how these water rights will

be affected by the Proposed Action.

- The deconstruction and relocation of the City of Yreka municipal water supply pipeline will have significant effects on the short-term and long-term reliability of the water rights granted to the City. These effects are not analyzed.

- The EIS/EIR admits there are significant cultural and historic resources in the project area. The impacts "analysis" in the EIS/EIR is confined to stating DOI will identify affected cultural and historic resources later.

- The EIS/EIR inappropriately attempts to analyze noise impacts on County residents by applying standards used for noisy urban settings to rural Siskiyou County. The EIS/EIR compounds its error by failing to take actual measurements of existing noise levels or of noise levels expected from dam deconstruction.

- The EIS/EIR admits the loss of tax revenue to the affected counties raises significant environmental justice issues because the impacts of lost tax revenue will "disproportionately affect" low income, minority, and tribal people. The EIS/EIR then fails to examine those effects.

- The EIS states the KBRA and its planned actions are part of the Proposed Action. There are 112 such measures, virtually all of which have environmental effects. Virtually none are analyzed in the EIS/EIR. Curiously, among those projects are habitat and aquatic restoration actions on six tributaries of the Klamath River. Valued at over $177 million, these projects will have some effects on the Klamath River. One searches the EIS/EIR in vain for any analysis.

- The EIS/EIR fails to comply with the legal requirement to identify and analyze the mitigation measures that would be associated with alternatives to the Proposed Action. There is simply no way to examine and compare the environmental effects of the Proposed Action with that of various alternatives without an analysis of the mitigation plan associated with the alternatives.

- As to the mitigation for the Proposed Action, the EIS/EIR inappropriately leaves the bulk of that analysis for a later day. Virtually all the mitigation measures for dam removal are in the KBRA. But the EIS/EIR admits those measures cannot be analyzed because "[w]hile the general goals of the

KBRA actions and programs are known, the specific actions that would occur are not yet defined...." Where some definition does exist, the Expert Panels formed by DOI generally characterized the KBRA actions as "infeasible" and "not likely" to succeed.

- The heart of an EIS/EIR is a rigorous analysis of alternatives. Consistently, the EIS/EIR fails to meet this analytical requirement. The EIS/EIR examines its favored Proposed Action in dozens of pages while often confining the analysis of alternatives to mere paragraphs. A glaring example of this biased and incomplete analysis is that the four Expert Panels created to examine the effect of the Proposed Action on fish were instructed by DOI to limit their analysis to the Proposed Action and the status quo. They were told to ignore the other three alternatives in the EIS/EIR. Given that the stated need for dam removal is to restore salmon fisheries, and given that the EIS/EIR relies on the Expert Panels to justify its favorable view of dam removal regarding fish resources, this is a singular failure of NEPA and CEQA compliance.

- The EIS/EIR violates the fundamental requirements of NEPA and CEQA to fairly and objectively compare alternatives. The EIS/EIR attributes all of the alleged environmental benefits of implementing the KBRA to the Proposed Action. This ignores the fact that many of the KBRA actions will proceed even if the dams are not removed. Therefore, the benefits of these KBRA actions, if any, must be included in the No Action and other Alternatives, including Alternative 4. The EIS/EIR violates applicable law by not doing so.
- In evaluating alternatives, the EIS/EIR fails to examine whether the adverse environmental effects of dam removal will inhibit or prevent achieving the benefits that are alleged to come from those KBRA actions that will be implemented even if the dams are not removed.

- The bias against any alternative except dam removal is amply demonstrated by the fact that the same pollutant releases considered to have an insignificant effect under the Proposed Action are considered to have a significant effect under the No Action Alternative.

- The EIS/EIR is devoid of any discussion of how the Proposed Action proposes to comply with the applicable Ordinances of the County of Siskiyou. Many of these Ordinances are never even mentioned. Equally important, in many cases, the Proposed Action violates, or is inconsistent with, the County's Ordinances. Conspicuously absent from the EIS/EIR is any

discussion regarding how to address these issues.

The preceding is only a sampling of the myriad problems, failings, and issues associated with the EIS/EIR and with its conclusions.

In closing, I would ask you not to fail to uphold the oath of office that you took and your obligation to uphold the laws of the United States and not fail to put an end to this boondoggle.

Very truly yours,

Grace Bennett

Grace Bennett, Chair
Siskiyou County Board of Supervisors

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