

2023 California Water Law Symposium Indigenous Peoples and Species Panel

Lower Klamath Project Dam Removal, Selected Resources

Marianna Aue, marianna.aue@waterboards.ca.gov
State Water Resources Control Board, Office of Chief Counsel (for identification purposes only)

Klamath Basin Agreements

Klamath Hydroelectric Settlement Agreement, 2010:

<http://www.edsheets.com/Klamath/Klamath%20Hydroelectric%20Settlement%20Agreement%202-18-10signed.pdf>

Klamath Hydroelectric Settlement Agreement, as amended 2016: <http://www.edsheets.com/wp-content/uploads/2015/04/Amended-Klamath-Hydroelectric-Settlement-Agreement.pdf>

Klamath Basin Restoration Agreement, as amended 2012:

<http://www.edsheets.com/Klamath/2012/KBRA%20Feb%202010%20with%20Dec%202012%20amendments.pdf>

Additional agreements and iterations also available at: <http://www.edsheets.com/kbcc/>

Key Federal Statutes

Clean Water Act, Section 401, 33 U.S.C. § 1341

Federal Power Act, 16 U.S.C. §§ 791 et seq.

Klamath Riverscape Analysis

King, Thomas R. for the Klamath River Intertribal Fish and Water Commission, *First Salmon: The Klamath Cultural Riverscape and the Klamath River Hydroelectric Project*, 2004, available at:

<https://sipnuuk.karuk.us/digital-heritage/first-salmon-klamath-cultural-riverscape-and-klamath-river-hydroelectric-project>.

Environmental Review Documents

Klamath Dam Removal EIS

Federal Energy Regulatory Commission. 2022. Final Environmental Impact Statement For Hydropower License Surrender and Decommissioning Lower Klamath Project—FERC Project Nos. 14803 and 2082, EIS 0313F, available at: https://klamathrenewal.org/wp-content/uploads/2022/08/22_0826-3006_P-14803-Final-EIS-Lower-Klamath-Hydrpelectric-Project.pdf.

Klamath Dam Removal EIR

California State Water Resources Control Board. 2020. Lower Klamath Project License Surrender Final Environmental Impact Report. Prepared by Stillwater Sciences, Berkeley, CA, for State Water Resources Control Board, Sacramento, CA., available at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/lower_klamath_ferc14803_eir.html.

Klamath Dam Removal EIS/EIR, 2012

U.S. Dep't of Interior and CA Dep't of Fish and Game. 2012. Klamath Facilities Removal Final Environmental Impact Statement/Environmental Impact Report. Available at:

<http://www.edsheets.com/kbcc/klamathrestoration-gov-archive/>.

Klamath Hydroelectric Facilities Relicensing EIS, 2007.

Federal Energy Regulatory Commission. 2007. Final Environmental Impact Statement for Hydropower License, Klamath Hydroelectric Project, FERC Project No. 2082-027. FERC/EIS-0201F. Available at:

https://elibrary.ferc.gov/eLibrary/idmws/file_list.asp?document_id=13555784.

Water Quality Certifications

Oregon Department of Environmental Quality. 2018. Clean Water Act Section 401 Certification Lower Klamath Project FERC 14803, available at: <https://klamathrenewal.org/wp-content/uploads/2020/05/Klamath-401-FINAL.pdf>.

State Water Resources Control Board. 2020. *In the Matter of Water Quality Certification for the Klamath River Renewal Corporation, Lower Klamath Project License Surrender, FERC Project No. 14083*, available at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/401_certificate/lkp_wqc.pdfrender.

Key FERC Proceeding Documents

FERC Dam Removal Decision

PacifiCorp, et.al., 181 FERC ¶ 61,122 (Issued November 17, 2022), available at:

<https://www.ferc.gov/media/h-1-p-2082-063> and on www.ferc.gov, FERC Dockets P-2082 and P-14803, Document No. 20221117-3021.

ALJ Decision on Fish Passage Requirements

In the Matter of Klamath Hydroelectric Project, Decision, 2006-NMFS-0001 (U.S. Coast Guard, Sept. 27, 2006), available at www.ferc.gov, FERC Docket, P-2082, Document No. 20061002-5081.

Early Economic Analysis

California Energy Commission in coop. with U.S. Dept of the Interior, Ofc. of Policy Analysis. 2006. Economic Modeling of Relicensing and Decommissioning Options for the Klamath Basin Hydroelectric

Project. CEC-700-2006-010. Prepared by M.Cubed and USBR Tech Svcs. Cntr. for California Energy Commission, available at <http://s3-us-west-2.amazonaws.com/uclidc-nuxeo-ref-media/86f61dab-68da-456d-acdd-7c9f65e29c82>.

California Energy Commission in coop. with U.S. Dept of the Interior, Ofc. of Policy Analysis. 2007. Economic Modeling of Relicensing and Decommissioning Options for the Klamath Basin Hydroelectric Project, Addendum A, *Response to PacifiCorp's Comments on the Klamath Project Alternatives Analysis Model*. CEC-700-2007-004-REV1. Prepared by M.Cubed. Available at: www.ferc.gov, FERC Docket P-2082, Document No. 20070425-5044.