

Siskiyou County Water Users



February 3, 2020

Ms. Michelle Siebal
State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
P.O. Box 2000
Sacramento, CA 95812-2000

Re: Report for the Lower Klamath Project License Surrender
State Clearinghouse No. 2016122047
FERC # 14803

The first two 'Draft' pages alone predict the tone and predetermined 'decisions' of not only the 'recirculated' portion of the EIR, but of the entire EIR itself. Stillwater Sciences, along with several other closely intertwined entities, have been personally and jointly profiting from their position creating anecdotal revisionist regional history and 'modeled scientific support' promoting Klamath destruction from the agenda beginning. Unfortunately, in the face of nearly a billion dollars and decades of devastating confiscatory regulatory implementations based upon the constructed 'best available science' miserably failing in virtually EVERY 'objective' aspect, the ONLY alteration in agenda direction has been in their alterations to assure continued self-benefit through the clever creation of unaccountable 'Adaptive Management'.

Though the California State Department of Water Resources (SWR) publicly declares objectivity, it is an overt lie from any perspective. The Commission is appointed by, and to carry out, the environmental policies at the pleasure of the Governor. In every past 'Water Crisis Plan' and the current 'Water Management' draft 'Report', the Governor has specifically instructed that Klamath Dams' destruction is his high priority to be facilitated by his State Agencies. Water Resources has worked hand in hand with the Governors declared agenda objectives by 'justifying' their own enhanced authority, 'revising' Klamath 'impairments' to accommodate KHS 401 permit coercion, and increasing 'discretionary' power throughout the entire so-called 'Agreements' compelling Klamath destruction. At no time has SWR wavered in support of that agenda regardless of ignored extensive presented historical documentation and empirical evidence contradicting agenda premise.

It is unsurprising, if disconcerting that, as equally seen throughout the whole of the original draft EIR, in its entirety this 'Report' continues the Agency and Author mutually beneficial relationship towards a common objective. Carefully crafted to demonstrate a legally defensible 'paper trail' assessment,

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anyone with more than superficial knowledge of the Klamath region, environment, and history, cannot but appreciate the well-crafted parsed, exclusionary, assumptive, inconsistent rationalizations, and disconnected conclusions all geared towards a biased outcome.

If that were not true, the thousands of submissions acknowledged as received by State Water Resources (SWR) pertaining to the draft EIR, many of which reference history and evidence refuting EIR conclusions by adding and/or expanding upon inclusions and omissions throughout the Draft, would have caused the ENTIRE document to be opened for recirculation and revision, not just a small portion responsive to selective submissions furthering a legally defensible outcome. Consistent in its past record, SWR and its sub agencies have repeatedly received much of the agenda-contradicting history and data irrefutably contradicting Agency 'conclusions' in past agenda proceedings relative to Klamath destruction, only to end up eliminated through inaccurate 'summaries', dismissive responses, or ignored completely. Based upon past history, it is unlikely that anything different will be expected here. Given the continuing implemented agenda policy-directed 'environmental' failures to date, and given the ignored historical documented experience and current empirical data which irrefutably prove Klamath Project environmental benefits, one thing is abundantly and 'robustly' clear. 'Sustainability', the 'environment', and even the 'fisheries' are NOT the objectives of this directed agenda outcome, they have been and are merely the pawns used to bring about effective resource confiscation from the most affected and vested owners WITHOUT compensation or accountability for imposed environmental and economic damages, placing ALL resources under personally benefitting control of a relative few having little concern, continuity of knowledge, and even LESS consequence for failed 'decisions'. This EIR offers NO evidence contradicting that continued objective.

This 192 page EIR portion is a compendium of contradiction and agenda marketing too extensive and pointless to detail here, with a complete inclusion of highlights and individual comments being available upon request. If consistent with prior offers to provide SWR with the entire texts of referenced studies and documents directly refuting Agency stated conclusions, we will have a very long wait. Therefore, only a few specific major issues of the many deficiencies contained will be discussed.

It appears that the authors have no difficulty making inherently conflicting claims, readily known inaccurate statements, selectively chosen 'considerations', and 'discussion' disconnected conclusions. Even though acknowledgement of obvious facts are detailed, such as 'significant' Project destruction impacts upon health, property use values, GHGs, noise, dust, and odors, there invariably seems no evident recommended sanctions of impacts, as though SWR acknowledgement of damages unwillingly imposed upon others is sufficient in itself for SWR to unaccountably grant approval. Examples such as stating the much greater health impacts of dust upon older individuals are later dismissed since the demographics of Copco and Iron Gate are 'unknown'. Seriously? SWR 'experts' purported in-depth evaluations seem unaware of the few keystrokes needed to obtain readily available public demographic information? Claiming Authors' knowledge gained from 'similar' project destructions, the potential dangers of dust are mentioned, and then minimized due to 'replanting', distance, 'sparse residential

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populations', and 'lack of discovered asbestos', when ANY minimal awareness of those 'Projects' reveal TREMENDOUS problems from failed plantings and dust damaging the health and quality of life of those local residents resulting in ongoing lawsuits. SWR finding 'no evident asbestos' and therefore concluding 'no potential airborne sediment toxicity' inspires profound confidence when ANYONE from the region knows the extremely HIGH amounts of naturally occurring arsenic, boron, and other endemic heavy metals likely to be concentrated in sediment pockets, such as mercury that used to be panned from upstream river banks in the 1800's to be used for gold and silver amalgamation downstream. Claiming the 'significant' impacts will be 'insignificant' due to the expansive Project, Authors' seem to suddenly utilize different numbers than the previously stated millions of cubic yards of exposed sediments and the KRRC described site specific destruction work immediately adjacent to lake residents cited within the very 'Definite Plan' which SWR is supposed to be evaluating. Apparently those damages are ok, since SWR considers the area 'sparsely populated' and therefore declare the hundreds of residents 'insignificant'.

Regarding 'climate change', It makes little sense in this context and purpose to give a 14 page mass marketing extensive, if biased, Agency policy mandated 'climate change' opinion perspective. The problem is, much of the information presented has equally, if not greater, credentialed research challenging that perspective, such as definitive impact solar cycles far more identifiably climatologically impacting than the fractional percentage increases in GHGs, questioning SWR assertions, effects, and conclusions. Much of the 'predicted' hypothesis has empirically proven repeatedly defective over the past 50 years. Many of the 'data' points have little support, major predictive divergence, alternative causations, and/or no credible confirmation. Other CONFIRMED data of geological cycles over eons from ice core studies shows the repetitive cycle we are in to be one of GREAT concern, with the world at the repetitively seen current PEAK point of temperatures preceding a precipitous descent into glaciation, a condition previously occurring WITHOUT prior human influence and FAR more perilous to human (and other species) survival. Under that scenario, the dictated 'policy' position's destructive actions could equally be either of LITTLE beneficial consequence, NO consequence, or DETRIMENTAL to future survival. NO WHERE is there ANY scientific support that imposing NO 'anthropogenic impacts' will prevent those natural cycles from occurring or their ensuing 'natural' devastation to species. Depending upon the confluence of variable conditions, it is logically JUST as likely that the current 'anthropogenic impacts' may help DEFER or LESSEN that disaster. The variables of 'NATURE' CARE NOT for the survival of ANY species, including Man. ONLY through the INTENTIONAL 'anthropogenic impacts' to MINIMIZE future uncertainties can mankind manage the variabilities of Nature to provide the long term consistent surplus of resources necessary for continuity of man and species alike. The ability to minimize uncertainties is directly proportional to the PROGRESS of knowledge and technology. Only the continuing increase of individual options and quality of life encompassing the greatest percentage of individuals, allowing for the surplus resources, discretionary time, and diverse number of approaches required to rapidly enhance knowledge and solutions necessary to reduce future uncertainties offers the highest potential to MAXIMIZE Progress. However, the current policy directed regulatory agenda using imposed oppression to 'minimize' anthropogenic impacts by DESTROYING past cumulative

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improvements to quality of life and consistent availability of surplus production for the majority, in fact REDUCES potential adaptive options and discretionary resources, thereby IMPEDING progress and placing the eventual ability of mankind to survive Nature's variables at FAR GREATER RISK. While it is reasonably responsible under any scenario to maximize progress and minimize likelihood of unknown outcomes, SWR policies and their EIR are adversarial to both. Regardless of 'climate change' perspective, by any rationale the 'Draft' EIR policy promoting 'climate change' presentation lies outside the intended EIR scope and pointedly details 'climate change' perspective policy bias. Policy bias inescapably limits objective consideration of information and options which could increase potential for survival and 'sustainability' of all species, including Man. By limiting consideration of information and options relevant to realizing stated goals within its own purported context due to a directed policy perspective, the EIR becomes inherently inaccurate, illogical, and hypocritical.

SWR repeatedly demonstrates those qualities when addressing issues, such as effectively dismissing massive 'natural' perpetual INCREASED GHGs and permanently DEGRADED downstream water quality after Project destruction in favor of the SWR UNASSESSED currently empirically challenged 'preference' of 'volitional fish travel' for which they have no technical expertise; or SWR's determination of overall destruction detriments being minimized due to their presumed "benefits" of volitional salmon travel, when recent "submitted but unconsidered" sentinel fish and polychate/certomyxa shasta studies now indicate HIGH likelihood of resultant compounding disease, complete and irreversible failure of "volitional" stated benefits, and long term devastation to the Klamath fisheries.

SWR referencing eliminated 'algae production' of the ONLY Klamath deep water lakes that are PROVEN to IMPROVE downstream water quality WITHOUT addressing the NOW EVIDENCED and BIOLOGISTS' WARNED likely INCREASE of downstream algae and potential INCREASED instream toxicity AFTER destruction.

As previously submitted to SWR, pre-dams local experience and current data that refutes agenda premise now EVIDENCES the environmental and societal damages that WILL occur with Project destruction. Although SWR arrogantly IGNORES the most regionally knowledgeable and affected officially voting supermajorities in opposition to Project destruction, BOTH SWR's own EIR and their supported KHSA premise repeatedly ACKNOWLEDGE 'significant and unavoidable' damages and the 'uncertain outcome' of agenda imposition. By their own presented scenario, it is inescapable that destroying the CURRENTLY EXISTING 'GREEN' reliable renewable energy to be replaced by 'carbon footprint' dense NEWLY MANUFACTURED facilities producing inconsistent power after years of interim fossil fuel substitution is INCONSISTANT to SWR stated intent. Even though they are forced to acknowledge the obvious MAJOR detriments to local power distribution, EIR authors effectively MARGINALIZE the drastic and 'unavoidable' detriments to regional power costs, availability, stability, safety, and security for regional communities and TENS of THOUSANDS of residents. They effectively dismiss, sidestep, or ignore the massive unaddressed and/or unmitigated harm to affected residents, regional infrastructure, economic stability, and the very Klamath environment they claim to protect. No

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matter WHAT convoluted mutilation of reason subsequently cobbled within the EIR to achieve assigned outcome from a conflicted agenda, under NO amount of this SWR presented hyperbole can they 'justify' a 'determination' of 'no significant impact' for the loss of renewable and consistently available resources.

It should be clear to any reading of the original 'Draft' and this selectively 'recirculated' portion, that the EIR is inherently and fatally biased and flawed, purposely selectively limiting both holistic and regional 'considerations', impacts, inputs, causes, and unaccountable irreversible consequences of KNOWN Project destruction environmental and regional damages. Given SWR's own self-structured unaccountable EIS stated policy perspective bias, it is clear that ANY prescribed eventual 'determination' by SWR offers little credibility and even LESS reliability. Similar prior submissions to SWR and sub Agencies' in its procedural steps to a predetermined unaccountable agenda outcome, delivered by regional residents suffering destruction costs and consequences over years of prior Klamath related comment periods, can no doubt once again expect the same level of prior inclusion... none. However, it is hopefully clear to FERC by virtue of that bias and limited consideration, that the SWR Klamath EIR offers no comprehensive or objective value for the purposes of determining PacifiCorp-KRRC License Transfer or Surrender.

Respectively Submitted,

SISKIYOU COUNTY WATER USERS ASSOC.

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