



## County of Siskiyou Staff Report

### Lower Klamath Hydroelectric Decommissioning Project

April 25, 2023

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The purpose of this staff report is to inform the Board of Supervisors and the public of the Lower Klamath Hydroelectric Decommissioning Project's (Project) progress every month. The report also includes an update on the County Staff's involvement in the Project, as well as an outline of upcoming activities. While not all areas of interest or concern may be addressed in this report, any questions, comments, or concerns can be directed to the County's email address for the project: [lkinfo@co.siskiyou.ca.us](mailto:lkinfo@co.siskiyou.ca.us).

### Project Progress

As a reminder, the Federal Energy Regulatory Commission (FERC) has encouraged KRRC and their contractors to endeavor to comply with local ordinances and permits, although this was not a requirement through the FERC Order. To the extent that local laws or permitting requirements make compliance with FERC's Order impossible or unduly difficult, FERC concluded that such local requirements are preempted. County Staff have been working closely with KRRC and their contractors to urge permit application submittals and good neighbor policies, particularly for those permits that are related to public safety (such as transportation and encroachment permits). For those activities that may be exempt through the FERC Order, County Staff has asked for a written factual/legal justification for why County permits are preempted.

Below is an outline of the major Project activities that have occurred over the past month. Photos of recent and upcoming Project Activities are included in Appendix A.

- Kiewit mobilized to the site, set up office trailers, staging areas and onsite security.
- Began Copco Village RV Park site preparation.
- KRRC contractors installed temporary power at Copco Village.
- Installed temporary best management practices (BMPs) throughout the construction zones.
- Removed and/or relocated select transmission poles and lines.
- Hazardous waste abatement of existing structures that were proposed for demolition (RES 1, maintenance building, stoplog shed).
- Began hazardous waste abatement and demolition on existing structures (RES 3 and RES 4 buildings).
- Demolished proposed existing structures after abatement (RES 1, maintenance building, stoplog shed).
- Began conducting cultural and natural resource site surveys.
- Began work on access road improvements.
- Bridge Improvements and shoring work on the Dry Creek and Fall Creek Bridges is being finalized to meet the design. McMillen is providing Public Works with written confirmation from a California Professional Engineer (PE) certifying that the work completed substantially conforms to the engineered design, and that the material and workmanship are satisfactory.
  - This letter needs to be received by the County prior to approving any transportation permits for excessive loads.
- Began Daggett Bridge site preparation.



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- Project-wide signage plan edits are underway. Resubmittal to the County end of April.
- Resubmitted electric and layout drawings of Copco Village for County review.
- Hazardous Materials Business Plan submitted to Community Development for review for the labor camp near Copco 2.
- Letters to property owners with private docks were sent on April 21<sup>st</sup> from KRRC, informing them that all docks on Copco Reservoir must be removed by October 30, 2023. If the owners do not want to retain the dock structures or materials, then KRRC will remove and dispose of the docks at no cost to the owners.

### Recent FERC Actions

FERC filings related to the Project that occurred at the end of March through April 20<sup>th</sup>, 2023, are summarized in Table 1, and included in Appendix B of this report.

### County Actions

As a reminder, The Klamath Project Manager (PM) position was contracted at the end of February to help support the County with the Project. The PM has been working with County Staff to reduce their workload on the project by establishing herself as the County's main point-of-contract (POC) for KRRC, their contractors, and stakeholders (such as the California Department of Fish and Wildlife) for the Project. The County continues to have regularly scheduled update meetings with KRRC and their contractors. Specific topic meetings (i.e., roads and bridges, etc.) have been scheduled in May, and will continue throughout the life of the Project as the need arises. Table 2 outlines the County Project activities performed in April 2023.

**Table 2. County Project Activities - April 2023**

Dept. / Staff	Activity	Involved Parties	Status
PM	Creation of preemption justification form for exemption of a local permit.	PM, County Counsel, Deputy Administrator	Ongoing
PM	Creation of County Permit Table which will track the submittal, review, and approval (or denial) of each local permit.	PM	Ongoing
PM	Project-wide permit table updates to the County. This is in lieu of Camas and McMillen providing on a bi-weekly call.	PM	Ongoing
PM	Began weekly project/permit update calls with McMillen	PM	Ongoing
PM	Project Manager met County and Project Contractors the week of March 27 <sup>th</sup> .	PM & County Staff	Complete
PM	Began attending agency update meetings hosted by McMillen	PM	Ongoing
PM, PIO	Creation of Project public information materials	PM & County Staff	Ongoing
PM, Public Works	Project Road tour occurred on March 28 <sup>th</sup>	PM & Director Public Works	Complete
PM, Public Works	Meeting to discuss the structural and design issues at Fall Creek and Dry Creek Bridges.	PM & Director Public Works, McMillen, Kiewit, and bridge engineers	Complete
PM & County Staff	Project site visit with the PM, County Staff, McMillen, and Kiewit occurred on March 30 <sup>th</sup> .	PM, Deputy Administrator, Public Information Officer,	Complete



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		Director Community Development.	
PM, PIO, Admin	A public notice was drafted by the PM and reviewed by the County Public Information Officer and McMillen regarding the early closure of the Recreation Sites along Copco Reservoir.	PM, Public Information Officer, Deputy Administrator, McMillen, KRRC	Complete
Public Works	Continuing to review and approve transportation permits, only if the over-dimension loads and extra-legal weight loads fall within the un-shored capacity of both Fall Creek and Dry Creek Bridges. Those in excess (i.e., what the shored bridges are designed to), will not be approved until after the letter of certification from a CA PE is received by the County.	Public Works	Ongoing
Public Works	Reviewed and discussed the amended Roads and Bridges MOU from KRRC. Proposed another approach and sent MOU Amendment 1 to KRRC.	PM, Public Works, County Counsel, Deputy Administrator	Complete
Planning	Reviewed Project signage plan and provided comments to McMillen.	Planning Dept.	Complete

**Upcoming Activities - May 2023**

Table 3 summarizes the upcoming Project-level and County-specific activities that are proposed to occur in May 2023.

**Table 3. Upcoming Project & County Activities - May 2023**

Responsible Party	Activity	Location	Date
KRRC Contractors	Project signage to be installed along roadways within the Project boundary once signage plan is approved by the County.	Project Wide	May
KRRC Contractors	Closure of recreation sites along Copco Road	Copco & Iron Gate	May 12 <sup>th</sup>
KRRC Contractors	Kiewit to complete maintenance facility and support facility construction.	Copco 1	May
KRRC Contractors	Complete cultural and biological site surveys for construction activities.	Copco 1	May
KRRC Contractors	Continue to construction access road improvements.	Copco 1	May
KRRC Contractors	Copco No 1 Access and workpad construction.		
KRRC Contractors	Finalizing the workplan for Copco No 2 intake closure and dam removal	Copco 1	May
KRRC Contractors	Begin flow management coordination for pre-drawdown period.	Copco 1	May
KRRC Contractors	Continuation of existing structure hazardous waste abatement and demolition (RES 3 and RES 4 buildings).	Copco Village	May
KRRC Contractors	Continue RV park site preparation.	Copco Village	May
KRRC Contractors	Continuation of biological and cultural resources site surveys for construction activities at the Yreka Pipeline and the Daggett Bridge north pad.	Copco Village	May
KRRC Contractors	Daggett Bridge work – form, install rebar and pour concrete abutments.	Copco Village	May
KRRC Contractors	Continue to install temporary BMPs for construction.	Copco Village	May



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KRRC Contractors	Send PM mobilization schedule with updated dates of transport for large loads on the roadways.	Project Wide	May
KRRC Contractors	Private docks removal deadline	Copco Reservoir	October 30
PM	Weekly update calls with KRRC Contractors	Project Wide	Ongoing
PM, Public Works, County Counsel KRRC & Contractors	Roads and Bridges Amendment 1 approval	Project Wide	May
Community Development & Public Works	Review of updated Project signage plan. The County will assess if encroachment permits are needed for the signage.	Project Wide	May
Public Works	Review Fall Creek and Dry Creek Bridge calculations and CA PE letter.	Fall Creek & Dry Creek Bridges	May
Community Development	Inspection of Demolished Buildings	Copco Village & Copco Staging	May
Community Development	Review resubmitted electrical and layout drawings for Copco Village.	Copco Village	May
Community Development	Review of Hazardous Materials Business Plan by Community Development dept for the labor camp near Copco 2.	Copco Village	May

### Fish Hatchery Project Progress

As a reminder, the construction activities that are occurring as part of the relocation of the Iron Gate Fish Hatchery to the Fall Creek location, while associated with the Project, are not being completed by KRRC or their contractors. Per the FERC Order, the removal of the facilities at Iron Gate, and new build at Fall Creek is the responsibility of PacifiCorp. PacifiCorp will retain ownership of the lands occupied by the Fall Creek Hatchery, with the California Department of Fish and Wildlife (CDFW) leasing the lands and facilities need to operate the hatchery (see FERC Order, page 61, Section HH, Subsection II).

Below is an outline of the major activities that have occurred as part of the fish hatchery relocation project over the past month:

- Site excavation is nearly complete.
- Installation of rebar, pouring concrete, and setting pipe spools occurred on the Meter Vault.
- Excavation, setting and pouring of the concrete footings at the Coho building.
- Cleaning and preparing the surfaces at the Coho Raceways.
- Excavated footings and piping of the Chinook building.
- Excavation of the Chinook Raceways.
- A CA Water Quality Protection Plan is currently in development for work that is proposed at the Fall Creek site.

### Upcoming Fish Hatchery Activities

- PacifiCorp is working with the Air Pollution Control District for a permit for a propane tank that will be located with the buildings at the Fall Creek site.



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- Three buildings are being planned – Coho, Chinook, and Spawning – at the Fall Creek site. The Building Department is working with the contractors on permitting these buildings.
- PacifiCorp to install a changeable message board at either end of the Fall Creek Hatchery Project with project information.

### Klamath Mitigation Fund

As a reminder, the County does not have jurisdiction over, nor involvement in the Klamath Mitigation Fund (KMF). We understand that the public has had issues with communication with the Klamath Mitigation Fund Administrators (Administrators). We will do what we can to inform the public about the KMF and assist in communication. **The public is encouraged to direct questions/concerns/ comments to the Administrators, Joan Freeman and Monte Mendenhall via email: [klamathmitigationfund@gmail.com](mailto:klamathmitigationfund@gmail.com), or through written comments to:**

Klamath Mitigation Fund  
PO Box 1532  
Yreka, CA 96097

A series of informational webinars was presented by the Administrators between April 4<sup>th</sup> and 7<sup>th</sup> covering the three categories of eligible claims: 1. Impacts to properties due to Slope Stability issues; 2. Impacts to properties due to the potential changes to the 100-year floodplain downstream of Iron Gate Dam; and 3. Impacts to groundwater wells due to changes in groundwater levels in the vicinity of Copco Reservoir. Recordings of these sessions can be found on the KMF website: <https://klamathmitigation.org/resources>. The PM and County Staff attended the sessions. After the sessions, the County asked the following questions to the Administrators:

- During the Groundwater Wells Session, the Administrators stated that \$5,000 per well is what will be provided through the KMF. The justification from the Administrators for this sum was based off the California Water Code that states (based on the presentation) “that a property owner does not have the right to demand maintenance of a reservoir for the benefit of their well production at the expense of the dam owner.” The Administrators said that “the property owner does not have the right to damages if the reservoir is drawdown, unless there is a contractor or a specific legal instrument requiring the dam owner to do that.”
  - The County asked if the Administrators could please send us the section of code they are referring to, or other documentation related to the California Water Code that makes this statement.
- During the Rim Stability Session Q&A, the Administrators stated that the risk of slope instability “drops dramatically after 6-months” of initiation of drawdown.



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- The County asked if the Administrators could please send us the project or other expert documentation for this statement.
- Throughout the Flood Risk Session the Administrators mentioned structures located within the “new 100-year floodplain”. Based on information from the CA State Water Board Environmental Impact Report the floodplain maps for the “new” floodplain are based on anticipated and estimated changes to the floodplain. It is the County’s understanding that the new 100-year floodplain will not be established by FEMA until after dam removal and restoration occurs. This is because sediment deposition after removal “may also result in streambed aggradation that would result in changes to the 100-year floodplain in the first 8 miles downstream from the Irongate Dam Site” (page 3-542 of the Final Environmental Impact Statement from FERC). In addition, grading work conducted during restoration of the reservoirs and the Klamath River may alter the floodplain. Therefore, the new floodplain will not be established until mid-to-late 2025. This timeframe is about 6 months or more after the Administrators said the funds would stop being available to residents. Because of this timing issue, there may be structures within the FEMA established floodplain that will become eligible for funding, but it will be too late to receive it.
  - The County asked if the Administrators could provide an explanation as to why there is such an early cutoff for the use of the funds for flood risk impacts. We also asked if it would be possible to extend the deadline until after FEMA established the new floodplain.

In addition, both Administrators were invited to the April Special Board meeting. In an email back to the PM on April 19<sup>th</sup>, the Administrators stated that they “do not have time to engage in meetings and conversations with ineligible parties” and that they are “not obligated to share legal research or other information with the County”. They also declined to address the Board at any upcoming meeting.

#### **Additional Information:**

Previous information about the Project, including prior Special Board Meeting Staff Reports are available at the [County’s Klamath Dam Decommissioning Website](#). For ease of use, a quick link button directing users to the Project page has been added to the County’s main landing page.



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## Appendix A. Project Photos





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**Copco 1 and 2 access roads and waste disposal areas are being established. Existing houses and maintenance building have been demolished. Installed rock fall protection for the powerhouse, penstocks, and access road construction**



**Copco No. 2 Village area. Main Project offices around the former schoolhouse can be seen at the top center. Progress on the contractor's RV camp area can be seen in the center of the picture moving towards the river.**





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**Copco No. 2 Village residence area. Residences 1, 2, and 3 have been abated and are in the process of being demolished. The former cookhouse is now in the process of being abated. A cultural area was discovered around residence 3 and has resulted in excavation operations ceasing in the area until further notice.**

Pictures compliments of KRRC and McMillen.



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## Appendix B. Recent FERC Filings



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**Table 1. Recent Project Actions Submitted Through FERC's eLibrary**

Date	Title	Filer	Description	Link
3/23/23	Order Approving Revised Exhibit K and L Drawings re PacifiCorp under P-2082.	FERC	Revisions to Exhibit K drawings include removal of a small piece of private property from the buffer area along the penstock of the Fall Creek Development, removal of the areas downstream of Keno Dam that were intended to support hydroelectric generation that were never developed, and updated survey data. A table with a summary of revisions made to the Exhibit L drawings. These drawings included revisions to title block information updates and additions to those features that were not included in the previously approved set of drawings.	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230323-3013">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230323-3013</a>
3/23/23	Twelfth Part 12D Report, for a Periodic Inspection of the J.C. Boyle, Copco No. 1, & Iron Gate Developments, Lower Klamath Project, is due by October 31, 202	FERC	Letter informing Klamath River Renewal Corporation et al that the Twelfth Part 12D Independent Consultant's Safety Inspection Reports, is due by October 31, 2024 for the J.C. Boyle Development et al of the Lower Klamath Project under P-14803.	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230323-3125">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230323-3125</a>
3/24/23	Confidential Information Notice	PacifiCorp	Lower Klamath Hydro Project Iron Gate 2022 Dam Safety Surveillance and Monitoring Rpt Supplement CIN	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230324-5092">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230324-5092</a>
3/27/23	NRHP Eligibility and Historic Property Treatment Measures for CA-SIS-2824, 2403, 2239/3923, 3922	CA SHPO	Comments of California State Historic Preservation Office on the Lower Klamath Project under P-14803 requesting an additional week of review time.	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230327-5020">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230327-5020</a>
3/27/23	Post Review Discovery near Copco Village	CA SHPO	Comments of California State Historic Preservation Office on the Lower Klamath Project under P-14803 stating that SHPO does not object to the proposed plan to evaluate the archaeological site for inclusion in the National Register of Historic Places (NRHP).	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230327-5021">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230327-5021</a>
3/30/23	NRHP Eligibility and Historic Property Treatment Measures for CA-SIS-2824, 2403, 2239/3923, 3922	CA SHPO	Comments of California State Historic Preservation Office on the Lower Klamath Project under P-14803 in response to three consultation letters submitted by the KRRC.	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230330-5020">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230330-5020</a>
4/3/23	Lower Klamath Hydroelectric Project (FERC No. P-14803-001) Recreation Facility Removal Schedule Update	KRRC	Klamath River Renewal Corporation submits Recreation Facility Removal Schedule Update for the Lower Klamath Hydroelectric Project under P-14803.	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230403-5318">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230403-5318</a>



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4/4/23	Submittals Pertaining to 2021 Dam Safety Surveillance and Monitoring Report Comments, Lower Klamath Project	FERC	Letter to Klamath River Renewal Corporation et al providing comments discussing the submittals pertaining to 2021 Dam Safety Surveillance and Monitoring Report (DSSMR) Comments for the Lower Klamath Project under P-14803.	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230404-3100">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230404-3100</a>
4/5/23	Lower Klamath Hydroelectric Project (FERC No. P-14803-001) Iron Gate, Copco No. 1, and J.C. Boyle Developments	KRRC	Klamath River Renewal Corporation submits Response to Comments to FERC's March 7, 2023, letter re Partial Authorization for Construction, Removal, and Decommissioning for the Lower Klamath Project under P-14803	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230405-5110">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230405-5110</a>
4/10/23	NRHP Eligibility and Historic Property Treatment Measures for CA-SIS-2824, 2403, 2239/3923, 3922	CA SHPO	Comments of California State Historic Preservation Office under P-14803 regarding request from KRRC to provide clarification on previous correspondence with KRRC on Feb 22, 2023.	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230410-5017">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230410-5017</a>
4/10/23	March 2023 Monthly Report for the California Terrestrial and Wildlife Management Plan	KRRC	The Report describes the KRRC's implementation of terrestrial resource protective measures for March 1-31, 2023, including monitoring for Western pond turtle, nesting birds, willow flycatcher, bats, special status species, foothill yellow-legged frogs, monarch butterfly, locations of wetland buffers, and a summary of crew trainings completed. KRRC's report is consistent with obligations under Section 4.1 of the California Terrestrial and Wildlife Management Plan.	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230410-5103">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230410-5103</a>
4/10/23	2020 Tainter Gate Inspection Report Recommendations Plan and Schedule Update, Copco No. 1 Development, Lower Klamath Project	FERC	Letter to Klamath River Renewal Corporation et al discussing the 2020 Tainter Gate Inspection Report Recommendations Plan and Schedule Update for the Copco No. 1 Development of the Lower Klamath Project under P-14803.	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230410-3079">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230410-3079</a>
4/14/23	2022 Annual Compliance Report	KRRC	Annual Compliance Report for the Lower Klamath Hydroelectric Project for 2022	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230414-5215">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230414-5215</a>
4/14/23	March 2023 Monthly Construction Report	McMillen	Cover letter to the March 2023 Monthly Construction Report	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230414-5233">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230414-5233</a>
4/17/23	January 2023 Final Monthly Report for the California Water Quality Monitoring Plan	KRRC	The Report describes the water quality monitoring that the KRRC implemented in January 2023 pursuant to the methodologies and procedures described in detail in the California Water Quality Monitoring Plan.	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230417-5088">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230417-5088</a>
4/19/23	Section 106 Consultation Post Review Discovery near Copco Village	CA SHPO	CA SHPO concurrence with the determination that the resource discovery made on April 12, 2023 is not eligible for inclusion in the NHRP.	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230419-5009">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230419-5009</a>



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4/20/23	Twelfth Part 12D Report, for a Periodic Inspection of the J.C. Boyle, Copco No.1, and Iron Gate Developments, Lower Klamath Project	KRRC	Letter to Request Waiver of Periodic Inspection	<a href="https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230420-5053">https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20230420-5053</a>
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\*All reports and actions are included in Appendix A