



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

December 1, 2016

Ms. Julia Long  
Bureau of Reclamation  
Northern California Area Office  
16349 Shasta Dam Boulevard  
Shasta Lake, California 96019

Subject: Long-Term Plan to Protect Adult Salmon in the Lower Klamath River Draft  
Environmental Impact Statement, Humboldt County, California [CEQ# 20160240]

Dear Ms. Long:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (EIS) for the Long-Term Plan to Protect Adult Salmon in the Lower Klamath River. Our review and comments are pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The Long-Term Plan to Protect Adult Salmon in the Lower Klamath River would increase river flows with the goal to reduce the likelihood and severity of future salmonid die-offs due to crowded holding conditions for pre-spawn adults, warm water temperatures, and the presence of disease pathogens. The Bureau of Reclamation has been providing augmented flows in several recent years since a large-scale fish die-off in 2002. These augmented flows have had demonstrated success and Reclamation has worked closely with tribes, regulatory agencies, and basin partners to refine the flow augmentation criteria. Reclamation acknowledges that conditions leading to the need for augmented flows will likely continue, and has produced the current Draft EIS to analyze its proposed plans to manage the competing environmental and water supply demands in the watershed and Central Valley Project.

The temporal scope of the project extends to 2030, which is when Reclamation will revisit effects to the Federal Endangered Species Act from the larger Coordinated Long-Term Operation of the Central Valley Project and State Water Project (OCAP). EPA appreciates the approach to analyze the impacts of flow augmentation alternatives in a long-term strategic way, rather than year-by-year, while also stating the intention to reconsider flows in the lower Klamath River as part of the OCAP reevaluation. When Reclamation prepares the 2030 Central Valley Project operations update, EPA anticipates that future dam removal and other projects in the area will result in more options for increased natural flow regimes and protection of salmonids in the Klamath and Trinity Rivers.

Based on our review of the Draft EIS, we have rated both action alternatives and the document as *Lack of Objections-Adequate (LO-1)* (See attached "Summary of EPA Rating Definitions"). Although we have no objections to the proposed project, we recommend the Final EIS provide further clarification

regarding reliability and funding of monitoring sources, timing flows using adaptive management, and tribal consultation.

To determine the need for augmented flows each year, the action alternatives would rely on monitoring data from U.S. Geological Survey stream gages, fish density data from tribes, fish health monitoring from tribes and resource agencies, and public observations of fish die-offs (page 2-4). The Draft EIS does not discuss the reliability of these monitoring data sources in terms of funding or availability of personnel time. EPA recommends that the Final EIS provide a discussion of how to ensure the reliability of the monitoring sources and data and consider providing a funding mechanism to ensure this dependability.

EPA appreciates the inclusion of adaptive monitoring and management principles for the action alternatives. Adaptive management monitoring will help Reclamation refine the trigger criteria for the augmented flows. In the Final EIS, EPA recommends that this process explicitly provide flexibility to time the flows to account for when monitoring determines the greatest need may arise, particularly if that need is determined to be outside of the proposed August and September windows.

Finally, the Draft EIS briefly describes Reclamation's efforts with regard to tribal consultation and notes that the Hoopa Valley Tribe, Karuk Tribe, Klamath Tribes, and Yurok Tribe are cooperating agencies (page 15-7). EPA encourages continued consultation and coordination with tribes and recommends that the Final EIS further discuss the results of these consultations. We recommend this discussion include a description of how the tribes were consulted regarding how to avoid and minimize impacts to Trinity River fisheries.

We appreciate the opportunity to review and comment on this Draft EIS, and are available to discuss the recommendations provided. When the Final EIS is released for public review, please send one hard copy and one CD to the address above (Mail Code: ENF 4-2). Should you have any questions, please contact me at (415) 947-4161, or contact Jean Prijatel, the lead reviewer for the project. Jean can be reached at (415) 947-4167 or [prijatel.jean@epa.gov](mailto:prijatel.jean@epa.gov).

Sincerely,

  
Connell Dunning, Acting Manager  
Environmental Review Section

Enclosures: Summary of EPA Rating Definitions

cc: Katharine Carter, North Coast Regional Water Quality Control Board  
Justin Ly, National Marine Fisheries Service

## **SUMMARY OF EPA RATING DEFINITIONS\***

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

### **ENVIRONMENTAL IMPACT OF THE ACTION**

#### ***"LO" (Lack of Objections)***

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### ***"EC" (Environmental Concerns)***

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### ***"EO" (Environmental Objections)***

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### ***"EU" (Environmentally Unsatisfactory)***

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

### **ADEQUACY OF THE IMPACT STATEMENT**

#### ***"Category 1" (Adequate)***

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### ***"Category 2" (Insufficient Information)***

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### ***"Category 3" (Inadequate)***

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

