

State of California, County of Siskiyou

Board of Supervisors Minutes, September 26, 2023

The Honorable Board of Supervisors of Siskiyou County, California, met in special session this 26th day of September 2023; there being present Supervisors Brandon Criss, Michael N. Kobseff, Nancy Ogren, Ray A. Haupt and Ed Valenzuela, County Administrator Angela Davis, County Counsel Natalie E. Reed and County Clerk and ex-Officio Clerk of the Board of Supervisors Laura Bynum by Deputy County Clerk Wendy Winningham.

The meeting was called to order by Chair Valenzuela. Pursuant to AB23, the Clerk announced that the Board was only meeting as the Board of Supervisors and that the Board members receive no additional compensation. Supervisor Kobseff led in the salute to the flag of the United States of America.

Presentations from the Public

Copco Lake resident Sharen Geant appeared before the Board and voiced concerns regarding letters that residents have been receiving notifying of the need to remove private docks and the minimal reimbursement being offered for complying with those letters from the Klamath Mitigation Fund.

Copco Lake resident Linda Ebert appeared before the Board and voiced concerns regarding the upcoming deadline to have her private dock removed from the lake and the need for additional fire protection resources that had been provided for other areas from the Klamath Mitigation Fund.

Natural Resources and CKM Environmental - Presentation of an update on the Lower Klamath Dams Decommissioning Project and recent associated County activities. Presentation and discussion only.

CKM Environmental Consultant Chelsea Murphy appeared before the Board and provided an update regarding actions taken by the County with regard to the Lower Klamath Dam Removal Project, including communicating/working with the Klamath River Renewal Corporation (KRRC), their new Public Information Officer Ren Brownell and Resource Environmental Services, LLC (RES) on permit applications, public safety issues for recreating public members and transparency for the public concerning various construction activities. In addition, Ms. Murphy summarized previous and ongoing activities taking place at Copco No. 1 and Copco No. 2, including tree removal utilizing helicopters to provide public safety.

Ms. Murphy advised that KRRC and their contractors may consider certain County permits as too burdensome to apply and that the County developed a Federal Energy Regulation Commission (FERC) Preemption Form in order to track those requests, as the Federal Power Act preempts State and local laws concerning hydroelectric licensing projects.

Ms. Murphy briefly summarized a memo created to clarify that the anticipated 100-year floodplain modeled by the Bureau of Reclamation (BOR) and used in the dam removal project's environmental documents was not the final floodplain model, with a final mapping to be completed after dam removal and associated restoration have been done. Ms. Murphy requested that questions regarding the floodplain or other project details be directed to her at the County project email Ldkinfo@co.siskiyou.ca.us.

Ms. Murphy provided a brief overview of efforts being made to work with KRRC and contractors on the condition of roads and bridges in the project area and advised of upcoming meetings, including one at the Copco Lake Community Center to discuss and address public concerns. Ms. Murphy summarized additional activities related to project signage, road and bridge work, Building Department inspections, anticipated lake level fluctuations, recreation site closures and the anticipated process to create a summary of the multiple and voluminous FERC filings.

Discussion followed between members of the Board and Ms. Murphy regarding the request that permanent private piers remain in place, various portable firefighting resources that can be utilized anywhere in the County, KRRC's ability to remove private docks with the owner's permission to access private property, the anticipated process to receive and act on complaints and the potential types of permits where preemption could be requested.

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Natural Resources and CKM Environmental – (continued)

Supervisor Kobseff requested research into possible reimbursement for various County staff time impacted by dam removal project activities and suggested creation of a budget line item to track those costs.

Further discussion followed regarding the process for FERC to be kept abreast of project activities, efforts being made at the local level to resolve disputes prior to involving FERC, efforts being made to improve public transparency of project activities and to develop a method for public viewing of project activities.

Public Requests - Federal Emergency Management Agency - Presentation re flood mapping and flood insurance associated with the Lower Klamath Dams Decommissioning project. Presentation and discussion only.

Federal Emergency Management Agency representatives Edie Lohmann and Brian Koper participated via teleconference/ZOOM.

Mr. Koper provided an overview of the process and associated timeframes to develop updated 100-year floodplain maps, following completion of the Lower Klamath Dams Decommissioning Project and associated restoration.

In response to Supervisor Kobseff regarding the Dam Removal Project, Mr. Koper advised that he had not been provided any data related to the Project.

Discussion followed between members of the Board, Mr. Koper and CKM Environmental Consultant Chelsea Murphy regarding the need to research potential impact of sediment behind the dams flowing down the Klamath River on the floodplain, the need for data to be provided before a review and development of floodplain changes can be made, the data that will be provided after completion of the project and restoration, the need for additional follow-up regarding potential sediment impact to the Copco Lake community when the JC Boyle dam is removed and to adjudicated water rights down the Klamath River, concerns that Klamath Mitigation Fund (KMF) funding will not be available to assist with potential long-term impacts, concerns that KMF representatives have declined offers to meet with the County and/or attend Board meetings and the need to stress to the KMF and KRRC to reimburse those down river that could be impacted by a new floodplain and the sediment.

Community Development Director Rick Dean voiced concerns regarding a current need for rebuilding down the Klamath River due to recent wildfires and the difficulty in moving forward without an updated 100-year floodplain map.

In response to Chair Valenzuela, Ms. Lohmann advised that under the National Flood Insurance Program rebuilding would take place at the current (floodplain) standards and that the County could enforce or require better available data.

Mr. Dean voiced concerns that the better data could be at least three years away with a potential of putting residents at risk should they rebuild using the current floodplain map.

Audience members Richard Marshall appeared before the Board, sharing concerns regarding the potential loss of mortgage insurance in addition to flood insurance for downriver residents.

Audience member Steve Radford appeared before the Board, suggesting that the County require a bond large enough to cover potential negative impacts for the next 10-20 years.

Audience member Debbie Bacigalupi appeared before the Board and presented a one-page picture of wild Coho salmon for sale at Costco, voicing concerns that there should be a moratorium on selling wild Coho as they are endangered. Ms. Bacigalupi voiced opposition to the worldwide initiative for governments to designate 30% of the Earth's land and oceans as being protected by the year 2030 and to the dam removal project.

Audience member and Siskiyou News representative Jay Martin advised that he had been threatened with regard to publishing fish count numbers and pictures of fish in local waterways.

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Public Requests - Federal Emergency Management Agency – (continued)

Ms. Lohmann provided an overview of the insurance requirements associated with floodplain zones that begin with 'A' or 'V' (special hazard zones) and shared concerns regarding the increased number and severity of floods in California. Ms. Lohmann further advised that limited flood insurance was available from the National Flood Insurance Program (NFIP) and that she was available for questions and support, as the County may need.

Supervisor Kobseff shared concerns regarding the potential negative impacts, lengthy timeframes and costs associated with updated floodplain maps on local citizens.

Public Works/Road Commissioner - Presentation of an update re roads and bridges within the project area of the Lower Klamath Dams Decommissioning. Presentation and discussion only.

Public Works Director/Road Commissioner Tom Deany appeared before the Board, presenting and summarizing a 16-page packet of photos of road conditions in the Copco Lake area, which have deteriorated greatly in the seven months that the project has been ongoing. Mr. Deany shared concerns that the Road Department would be using gravel to patch the roads due to the upcoming colder weather.

Discussion followed between members of the Board and Mr. Deany regarding the funding available for road repairs for both the County and for the Klamath River Renewal Corporation (KRRRC), Public Works' process for tracking associated staff time, the status of roads and bridges in the Copco Lake area and the possible public safety impacts associated with deterioration of the structures.

Supervisor Ogren shared concerns regarding the condition of the roads and bridges, speaking in support of both being left in a better condition following completion of the dam removal project.

Mr. Deany voiced concerns regarding the lengthy timeframe that Public Works waited for certain load calculations to come from KRRRC in order to determine bridge capacity in the permit issuance process and the need to meet and work with KRRRC and their contractors regarding the condition of the roads and bridges. Mr. Deany advised that the County might need to utilize a formal dispute process with regard to the road and bridge MOU.

In response to Supervisor Kobseff, Mr. Deany recommended that both roads and bridges be replaced and/or rebuilt.

Further discussion followed regarding Board members' support for the dispute or litigation process to address the road and bridge issues, potential issues that could arise with regard to water quality from the deteriorating road surface (i.e. discharging soil into the river), the lack of heavy equipment transportation permits issued to the project, ultra-heavy loads that are still making their way into the area and across the local bridges and the need to request/research additional funding to go toward bridge and road repair.

Public Requests - The California Department of Fish and Wildlife - Presentation of an update re potential changes to inland sport fishing on the Klamath River during and after the removal of the four Lower Klamath River Dams.

California Department of Fish and Wildlife (CDFW) Northern Region Representative Morgan Knechtle appeared before the Board, presenting a powerpoint entitled 2024 Upper Klamath Sport Fishing Regulations. Presenting the powerpoint, Mr. Knechtle summarized the Klamath Dam Removal Project, the native fish populations (trout, steelhead and salmon) that will need repopulation and recovery after dam removal, the proposed regulation outreach efforts made to local Native American Tribes, state and federal agencies, governmental and non-governmental organizations and anticipated timeline associated with adoption of updated regulations. Mr. Knechtle provided an overview of the existing regulations in current reservoirs, tributaries and the Klamath River and an overview of the goals (i.e. regulatory consistency and species protection at certain times) and the monitoring and assessment processes.

Continuing the powerpoint, Mr. Knechtle provided 2024 regulatory options for various locations along the dam removal project area, including instream and in tributaries of the River and for the native fish populations.

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Public Requests - The California Department of Fish and Wildlife – (continued)

Discussion followed between members of the Board and Mr. Knechtle regarding the anticipated process to manage unwanted/pest species currently behind the current dams, anticipated coordination efforts between California and Oregon fish and wildlife departments, possible endangered species (i.e. sucker fish) that could be present following dam removal, anticipated restoration and monitoring timeframes, a three-generation/lifecycle pause proposed for harvesting (no take allowed) for fall run Chinook and future number of local monitoring jobs that would be available.

Supervisor Haupt requested a comment from the State regarding the anticipated process to address sediment in the river following dam removal and water level drawdown.

Supervisor Kobseff shared concerns regarding a potential impact to Shasta and Scott River watersheds should the salmon not return as expected.

In response, CKM Environmental Consultant Chelsea Murphy and CDFW representative Mike Harris appeared before the Board, advising that the County and CDFW were working toward to request for a Memorandum of Understanding (MOU) with regard to the Shasta and Scott River watersheds not being affected by salmon return numbers.

Klamath River Renewal Corporation and McMillen Corp - Presentation of an update regarding removal of the Lower Klamath River Dams and a timeline of activities through early 2024. Presentation and discussion only.

Klamath River Renewal Corporation (KRRC) Chief Executive Officer Mark Bransom and McMillen Corporation representative Mort McMillen appeared before the Board. Mr. Bransom briefly provided information for members of the public to reach out to the KRRC regarding letters they have received or with questions regarding the Project.

Mr. Bransom presented a powerpoint presentation regarding Project updates, including an overview of the four Klamath River dams, Copco No. 1, Copco No. 2 and Irongate located in California and JC Boyle located in Oregon.

Mr. McMillen continued the powerpoint, including the anticipated construction timeline for construction and/or deconstruction activities, reservoir drawdowns, facilities removal and various restoration activities. Mr. McMillen displayed before and after progress photos of the facilities, summarized hazard tree removal operations by helicopter and the efforts made to remove debris created by the Project demolition.

Continuing the powerpoint, Mr. Bransom provided an overview of archaeological monitoring and cultural resources compliance efforts, including the anticipated processes for avoiding an area and responding once an archeological artifact is discovered (Inadvertent Discovery made), the trainings provided to address possible inadvertent discoveries of human remains (possible Native descent) and the associated protocols/processes for addressing the find. In addition, Mr. Bransom summarized the See and Say Program for public reporting of trespassing, looting, theft and/or vandalism of cultural resources, including a reward offered.

In response to Supervisor Kobseff, Mr. Bransom summarized the Native American Tribes and other interested consulting parties that have been engaged in this process.

Mr. McMillen continued to powerpoint, summarizing the reservoir drawdown stages, associated timelines, and the anticipated amount of sediment expected to travel downstream during drawdown. Mr. McMillen advised that property owners along the river should be notified regarding accumulated sediment mitigation plans. In addition, Mr. McMillen advised that the sediment was tested and deemed non-toxic containing mostly dead algae and gravel.

Discussion followed, including Mr. McMillen and Mr. Bransom regarding the demolition and facility breaching timelines, the anticipated largest amount of sediment due to come from behind Irongate Dam, anticipated settling of the sediment along the riverbanks with plans for planting and stabilizing, the anticipated process for future flushing should surplus water be available in the Basin upstream and the process related to development of a floodplain map within the dam decommission plan. Continued...

Klamath River Renewal Corporation and McMillen Corp – (continued)

Mr. Bransom advised that KRRC coordinated with the Federal Emergency Management Agency (FEMA) and other Federal agencies to estimate and develop a 100-year floodplain map for during development of the deconstruction/decommission plan and to apply for Federal permits. Additionally, Mr. Bransom advised that the Klamath Mitigation Fund (KMF) contacted property owners residing below Irongate Dam concerning the possibility of flooding impacts post-dam removal and that many were working with the KMF to harden their properties.

Mr. Bransom continued the powerpoint, including an overview/map of the 100-year floodplain map modeled during the deconstruction/decommission project development.

Further discussion followed regarding KMF deadlines and associated flexibility with the deadlines and working with property owners, concerns regarding the KMF declining to meet with the Board, the KMF's confidential claims process, the need to discuss Building Permit issuance difficulties with the County, KRRC's See and Say Program's timeline, the Project's air quality analysis and monitoring processes, the KMF's process to determine compensation for affected property owners and KRRC's and their contractors' interactions with and reporting to the Federal Energy Regulation Commission (FERC).

KRRC Public Information Officer Ren Brownell appeared before the Board, advising that her contact information was included in the powerpoint presentation. In response to Supervisor Criss' earlier question regarding removal of private docks, Ms. Brownell advised that permanent structures (i.e. piers) would not be removed and that private property owners can keep their docks after removal by giving KRRC permission to place it on their property.

Discussion followed, including Mr. Harris regarding the upcoming Copco community meeting, the ongoing reservoir sucker fish relocation process involving the Klamath Tribe and relocation of California sucker fish to the wildlife refuge near Tulelake, the potential impacts of using herbicides along the lake edge, efforts made to minimize the use of herbicides when possible, potential future relocation of sucker fish in the lower refuge and the need to address a potential increased in the number of public wishing to view dam removal activities and associated signage placement.

Audience member Randy Murieen appeared before the Board, sharing concerns regarding the potential for negative impacts (i.e. flooding, damaged spawning grounds) to the Klamath River and local residents when the sediment is released after dam removal.

Audience member Debbie Bacigalupi appeared before the Board, speaking in opposition to removal of the dams and sharing concerns regarding the lack of notification/coordination between KRRC and the Shasta People regarding the Antiquities Act and potential archeological finds.

Audience member Steve Radford appeared before the Board and reiterated his suggestion that the County demand a bond to cover potential negative impacts from dam removal for many years in the future.

Closed Session - Conference with labor negotiators pursuant to Government Code §54957.6, commenced at 12:42p.m., concluded at 12:49p.m., with no action taken.

Report On Closed Session

County Counsel Natalie E. Reed announced that closed session concluded at 12:49p.m., with no reportable action taken.

Adjournment - There being no further business to come before the Board of Supervisors, the meeting was adjourned.

Attest:
Laura Bynum, County Clerk

Ed Valenzuela, Chair

By: _____
Deputy