

Klamath River Dams: Siskiyou County CA Files 'Request For Rehearing' With Federal Energy Regulatory Commission (FERC)

Siskiyou County's law firm, Nossaman, LLP has alleged FERC failed to observe settled NEPA law in recent administrative decision; NEPA protects the environment.

YREKA, CALIFORNIA, UNITED STATES, July 27, 2021 /EINPresswire.com/ -- One of several compelling legal points made in the legal document titled; 'COUNTY OF SISKIYOU'S REQUEST FOR REHEARING' filed by Nossaman, LLP on July 16th states:

"There is FERC precedent for requiring NEPA review to an otherwise categorically excluded action.

In *S. California Edison Co. & San Diego Gas & Elec. Co.*, 49 FERC ¶ 61091, 61357 (Oct. 27, 1989), the Commission agreed that it was required to conduct an EA/EIS pursuant to 18 C.F.R. § 380.4(b) in approving a merger between Southern California Edison and San Diego Gas and Electric, where the record indicated "that the proposed merger could add hundreds of tons of additional air contaminants to the most polluted air in the Nation." Merger approval is otherwise "categorically excluded" from NEPA compliance.

But because the record indicated the likelihood of environmental impacts due to the merger, FERC ordered NEPA review anyway.

Here, as in *S. California Edison*, the record indicates, and FERC has acknowledged, environmental impacts as a result of this project arising from decommissioning the Lower Klamath Project dams.



Copco Lake that is formed by the Copco 1 dam on the Klamath River has been the critical habitat for an amazing variety of species of flora and fauna, including numerous endangered and threatened species. Photo by William E. Simpson II

Because FERC's action may significantly affect the environment, the categorical exclusions should not apply."

Ray Haupt County Supervisor, District 5 Siskiyou County California Board of Supervisors stated that;

"Contrary to many decades of NEPA settled law, FERC made a Predetermined Decision [June 17, 2021] to move forward with license transfer for the purpose of Klamath Dam removal. The associated ordered EIS is tainted as the transfer predetermined any objective EIS analysis and decision."

Background:



Firefighters drew over 1-million gallons of water from Iron Gate Lake (one of the lakes behind the Klamath River dams) to fight the 38,000-acre Klamathon Fire that threatened Ashland Oregon and the Cascade-Siskiyou National Monument. Photo: William E. Simpson II

The proposed Klamath River dams removal project by the non-profit shell corporation going by the name of, 'Klamath River Renewal Corporaion' (KRRC), would remove critical freshwater storage dams on the Klamath River!

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Ray Haupt - Siskiyou County Supervisor, District 5

And as crazy it may sound, KRRC wants to drain 45-billion gallons of fresh water currently held in Copco and Iron Gate Lakes into the sea, during the most extreme drought and water crises on the west coast of the United States.

And the projections are that the drought and water crises will worsen over the foreseeable future.

And even though KRRC's Klamath River dam removal project is riddled with several serious flaws, just this one point, about our vanishing water, makes KRRC's plan foolish and extremely reckless. And in a plan like theirs,

there are no do-overs.

Firefighters are now battling huge catastrophic wildfires that are growing in size and intensity every year!

The smoke from these fires is now known to be far more toxic than previously believed. And the toxic smoke from the catastrophic wildfires on the west coast are now poisoning the air in the eastern United States.

More from National Geographic on toxic wildfire smoke:

<https://www.nationalgeographic.com/environment/article/wildfire-smoke-blowing-across-country-more-toxic-than-we-thought>

So, it seems Americans in eastern states now have a dog in the fight to save our western water storage dams in their own interests as well.

Western states, especially California need more water storage dams, not less!

So it's just lunacy for KRRC and the governors of California and Oregon (Gavin Newsom - CA, Kate Brown - OR) to even be considering KRRC's plan.

And what adds insult to injury is that these two governors along with KRRC have concocted a plan to use taxpayers hard-earned money to pay to remove these vital dams and drain the lakes!

Ironically, California governor Gavin Newsom is concurrently tapping California taxpayers for 'creating more water storage' even as he has partnered with incentivized parties to remove the perfectly good water storage dams and lakes on the Klamath River!

KRRC has offered the ridiculous concession for draining the 45-billion gallons of fresh water in



'Beneficial Use': CAL-FIRE drafted over one-million gallons of water from Iron Gate Lake to battle the 38,000 acre Klamathon Wildfire that was stopped before it incinerated the Cascade-Siskiyou National Monument and Ashland OR: Photo by; William E. Simpson II

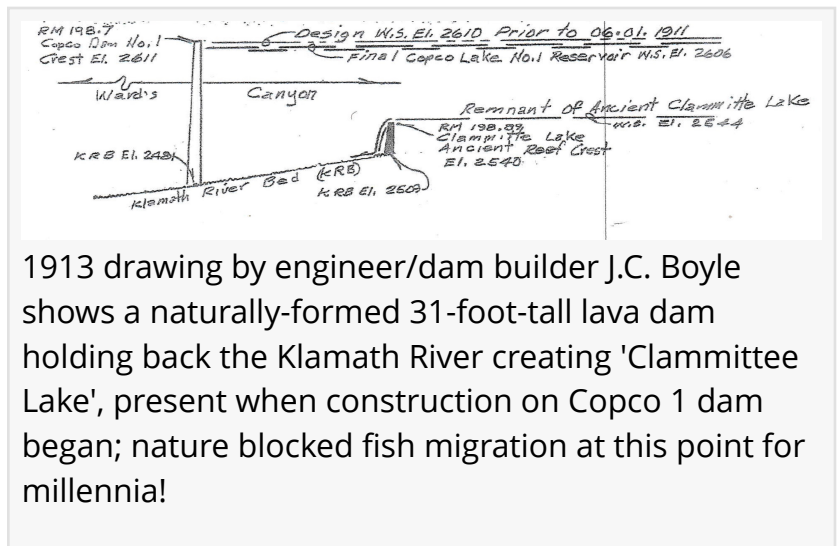


A pair of threatened Western Pond Turtles at Copco Lake. Just one of many threatened and endangered species of flora and fauna. Photo: William E. Simpson II

Copco and Iron Gate Lakes, which is a proposed so-called early wildfire detection system.

It seems that KRRC didn't get the MEMO yet!

We already have dozens of satellites and aircraft that can detect small fires, as well as lookout towers all over the mountains! And how has that been working so far? The wildfires are bigger and more devastating each year.



In reply to KRRC's concession of 'an early fire detection system' for draining 45-billion gallons of water into the sea and losing the water storage provided by the lakes, a highly-experienced veteran wild-land firefighter, who prefers to remain anonymous, said this;

"Early detection is of little help when firefighters show up with dry hoses. It takes a tremendous amount easily-accessed water to properly fight wildlife". (See Images)

Just during the July 2018 38,000-acre Klamathon Fire, CAL-FIRE drafted over one-million gallons of water from Iron Gate Lake.

And there have been numerous other wildfires in the area of the pristine Cascade-Siskiyou National Monument, which threatened to incinerate the entirety of that priceless forest as well as the nearby town of Ashland, Oregon.

The water from Copco and Iron Gate Lakes on the Klamath River has been critically instrumental in saving that critical wilderness, its forest and wildlife, as well as human lives and homes, and arguably, Ashland, Oregon, on several occasions.

More about the critical benefits of the water from Copco and Iron Gate Lakes during wildfire here:

https://www.einnews.com/pr_news/544283346/klamath-dams-removal-in-the-midst-of-water-crisis-antithesis-of-water-and-wildlife-conservation

Just the well-proven value of the water from Copco and Iron Gate Lakes for wildfire suppression alone, makes the notion of draining these lakes and losing their water storage pure insanity!

The two large lakes behind the Klamath River dams, Copco and Iron Gate Lakes, together hold 45-billion gallons of water!

[In a recent CNN article highlighting](#) water theft in California, CNN cites the loss of 12-billion gallons of water as a major issue.

But shockingly and in contrast to the CNN article, KRRC's reckless Klamath River dams removal project plans to drain four-times that amount (44-billion-gallons) from Copco and Iron Gate Lakes into the sea! And in the process permanently losing that storage capacity!

In light of the 'water crises' and catastrophic drought conditions, the loss of this stored fresh water would be a new record for wrong-headed thinking! And this pending disaster is being spear-headed by minority-consensus groups that are mostly made-up of fishing-zealots and kayak enthusiasts, who seem to care more about their own recreational needs, as opposed to the critically essential needs of millions of Americans who are legally entitled to the beneficial uses of the fresh water in Copco and Iron Gate Lakes under a [Congressional Act!](#)

The proposal and plan to remove four (4) perfectly-good water storage dams that also produce cost-effective green hydroelectric energy on the Klamath River by the non-profit shell corporation Klamath River Renewal Corporation (KRRC) is the world's largest dam removal project in history.

Of critical importance is that; KRRC's proposed Klamath River dam removal project is by-far the most risk and liability-laden project ever undertaken in such a regard. And the core premise that is cited by fishing-zealots is that the Klamath River Dam removal project by KRRC is being done to restore salmon.

But unfortunately, a statement made by Mr. Glen Spain, a board member of KRRC suggests it's about money, not salmon! Read more here:

https://www.einnews.com/pr_news/546897224/klamath-river-dams-krrc-s-proposed-dam-removal-project-minority-consensus-for-environmental-and-ecological-disaster

These and other critically important reasons, makes the current rush, and rash unorthodox decision by FERC to transfer the operating license for the dams to KRRC prior to completing all of the settled-law requirements under NEPA, and in the proper order, cavalier and reckless.

Any misstep in a project of such massive size with a myriad of unknowns and risks being undertaken in the wild and scenic Klamath River would lead to unprecedented environmental and ecological destruction, as a start. And the liabilities and costs would grow exponentially from there.

This ill-conceived and falsely premised dam removal effort comes on the heels of previously failed attempts to have the Klamath River dams removed without the consent of the United States Congress in regard to the controlling law, which is the Klamath River Basin Compact Act.

Through a series of highly questionable deals behind closed-doors between PacificCorp, their non-profit shell corporation Klamath River Renewal Corporation (KRRRC) and the governors of California and Oregon, taxpayers are ostensibly on the hook for a project that will likely cost \$1-billion dollars if everything went perfectly, which is very unlikely.

However, the environmental damage from the release of 20-million yards of polluted clay-sediments from the lake bottoms, or even a fraction of that, will cause an ecological disaster that will likely collapse the web of life on the Klamath River all the way to sea when the aquatic lifeforms are wiped-out, and the web of life collapses.

More about the potential ecological disaster if KRRRC's project proceeds:

https://www.einnews.com/pr_news/546897224/klamath-river-dams-krrc-s-proposed-dam-removal-project-minority-consensus-for-environmental-and-ecological-disaster

Amazingly, this reckless project is moving-along without proper legislative oversight given that this proposed dam removal project has morphed from being a private business enterprise using private money, to what is arguably now a 'public project' funded with public funds, and requiring all of the requisite oversight and public hearings.

This recently concocted deal, was put together by PacificCorp ,KRRRC and the States of California and Oregon in order to shield PacificCorp from all of the liabilities that stem from the removal of four (4) dams on the wild and scenic Klamath River.

And even according to 'Item number 34' in a recent 'Decision and Order' by FERC, "Oregon and California will not be shielded from liability". This statement by FERC clearly warns that Oregon and California taxpayers are at risk of paying potentially billions of dollars to clean up the biological disaster that may ensue from the dams removal.

These potential damages have never been included in the out of date budget to remove these perfectly good hydroelectric facilities.

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