Section 1.1.3 currently entitled “FERC Relicensing” is replaced with the following section. DEQ is accepting public comment regarding this change along with comments on the entire draft TMDL through July 15, 2019.

1.1.3 Dam Decommissioning

These TMDLs were developed with the expectation that PacifiCorp’s J.C. Boyle hydropower project on the Klamath River in Oregon will be decommissioned in the near term. This expectation is dependent on full implementation of an agreement between the U.S. Department of the Interior, PacifiCorp, the states of Oregon and California, tribes and many other parties. The 2016 Amended Klamath Hydroelectric Settlement Agreement (Amended KHSA) establishes a process for the orderly removal of the J.C. Boyle dam in Oregon and three other hydroelectric facilities on the Klamath mainstem in California. PacifiCorp has applied to the Federal Energy Regulatory Commission for a license for transfer of these facilities to a dam removal entity (DRE) that will be responsible for the ultimate removal of those four hydroelectric dams on the Klamath River. The Klamath River Renewal Corporation (KRRC) was established as the DRE. In addition to being a co-applicant to FERC for license transfer for the purposes of facilities removal, the KRRC has applied for and been granted a Section 401 Water Quality Certification from Oregon for the removal of the dams.

The removal of J.C. Boyle Dam in Oregon will remove the heat impacts of that dam’s operations, including the impacts of reservoir storage. Under the Amended KHSA, Keno dam will be retained, but transferred to the Bureau of Reclamation. To the extent that the cessation of hydroelectric generation is likely to affect the operation of Keno dam (as it will no longer be operated in conjunction with J.C. Boyle), the removal of J.C. Boyle is also expected to affect heat loading in the Keno reach of the Klamath River. Under the Amended KHSA, PacifiCorp is responsible for implementation of interim water quality and fishery measures until the time that removal of J.C. Boyle occurs. Under the Amended KHSA, and this TMDL, PacifiCorp is also required to submit to DEQ a proposed TMDL implementation plan. Under the Amended KHSA, that plan must incorporate the water quality-related interim measures, and be submitted within 60 days of DEQ’s approval of this TMDL.