

RECLAMATION

Managing Water in the West

Scoping Report Long-Term Plan for Protecting Late Summer Adult Salmon in the Lower Klamath River

Environmental Impact Statement

Humboldt County, California



**U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region
Northern California Area Office
Shasta Lake, California**

November 2015

MISSION STATEMENTS

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**Scoping Report
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in the Lower Klamath River
Environmental Impact Statement
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ACRONYMS AND ABBREVIATIONS

AF	acre-feet
CFR	Code of Federal Regulations
cfs	cubic feet per second
CVP-TRD	Central Valley Project Trinity River Division
DHHS	Department of Health and Human Services
EIS	Environmental Impact Statement
ESA	Endangered Species Act
NEPA	National Environmental Policy Act
NOAA	National Oceanic and Atmospheric Administration
Reclamation	Bureau of Reclamation
TAF	thousand acre-feet
USFWS	U.S. Fish and Wildlife Service

CONTENTS

1. Introduction	1
2. Background	1
2.1 Previous Public Involvement	3
2.1.1 Beneficial Effects of Flow Augmentation	3
2.1.2 Potential Environmental Concerns	3
2.1.3 Non-Flow Management Tools.....	4
3. Scoping Process	4
3.1 Public Notifications	5
3.1.1 Notice of Intent.....	5
3.1.2 News Release.....	5
3.1.3 Advertising	5
3.1.4 Postcard Notices	5
3.1.5 Website	6
3.2 Public Scoping Meetings	6
3.3 Tribal Information Meetings.....	7
4. Comments	7
4.1 Comment Summary	7
4.1.1 Purpose and Need	8
4.1.2 Scope	8
4.1.3 Alternatives Development	8
4.1.4 Water Rights and Legal Authority	9
4.1.5 Water Resources	9
4.1.6 Biological Resources	10
4.1.7 Tribal Trust Resources	10
4.1.8 Environmental Justice	10
4.1.9 Socioeconomic Resources	11
4.1.10 Public Health	11
4.1.11 Cumulative Impacts.....	11
4.1.12 Global Climate.....	11
4.1.13 Mitigation	11

5. Conclusion	12
6. References.....	13
6.1 References Cited in Comments.....	13

Tables

Table 1. Advertisements – newspapers and publication dates	5
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Appendices

Appendix A: Notice of Intent	A-1
Appendix B: News Release	B-1
Appendix C: Newspaper Advertisements.....	C-1
Appendix D: Postcard.....	D-1
Appendix E: Scoping Meeting Handouts and Photographs.....	E-1
Appendix F: Scoping Meeting Posters	F-1
Appendix G: Commenter Names and Affiliation/Organization.....	G-1
Appendix H: Comment Summary Matrix.....	H-1
Appendix I: Original Comment Documents	I-1

1. INTRODUCTION

This document serves as the scoping report for the environmental impact statement (EIS) being prepared by the Bureau of Reclamation (Reclamation) for the Draft Long-Term Plan for Protecting Late Summer Adult Salmon in the Lower Klamath River. The purpose of this report is to provide a summary of the major comments and issues provided as part of the scoping process. Comments received during the scoping process dealing with issues, concerns, and potential impacts will be considered by Reclamation in the preparation of the EIS. Additional issues will also be considered as they arise.

The purpose of scoping under the National Environmental Policy Act (NEPA) is to determine the scope of issues to be addressed and to identify the significant issues to be analyzed in depth related to the proposed action (40 Code of Federal Regulations [CFR] 1501.7). This process also serves to de-emphasize non-significant issues, narrowing the scope of the EIS process accordingly (40 CFR 1500.4(g)).

2. BACKGROUND

Reclamation is preparing an EIS to evaluate the effects of the Long-Term Plan for the protection of adult salmon in the lower Klamath River. The proposed action is to increase lower Klamath River flows to reduce the likelihood, and potentially reduce the severity, of any fish die-off in future years due to crowded holding conditions for pre-spawn adults, warm water temperatures, and presence of disease pathogens as the likely major factors contributing to the adult mortalities. The proposed increased flows would be provided primarily from releases of water stored in Trinity Reservoir on the main stem of the Trinity River, with the potential for some of the flows to be derived from the Klamath River above the confluence with the Trinity River depending on existing hydrologic and related environmental conditions. The purpose of the proposed action is to reduce the likelihood, and potentially reduce the severity, of any epizootic event that could lead to an associated fish die-off in future years. The need is based on the past extensive fish die-off in 2002.

In August and September 2002, an estimated 170,000 fall-run Chinook salmon returned to the Klamath River, and a significant number of adult Chinook salmon (~33,000) and other salmonids died prematurely in the lower Klamath River. This included an estimated 344 coho salmon listed as threatened under the Endangered Species Act. Federal, tribal, and state biologists studying the die-off concluded that: (1) Pathogens *Ichthyophthirius multifiliis* (Ich) and *Flavobacterium columnare* (Columnaris) were the primary causes of death to fish; and (2) warm water temperatures, low water velocities and volumes, high fish density, and long fish residence times likely contributed to the disease outbreaks and subsequent mortalities. Flows in the lower Klamath averaged about 2,000 cubic feet per second (cfs) during September 2002.

In 2003, 2004, 2012, and 2013, predictions of large runs of fall-run Chinook salmon to the Klamath River Basin and drier than normal hydrologic conditions prompted Reclamation to arrange for late-summer flow augmentation to improve environmental conditions in the lower Klamath River to reduce the probability of a disease outbreak. The State Water Resources Board has advised Reclamation that, as the operator of Trinity Dam, Reclamation may bypass and/or release water for various purposes, including releases made to improve instream conditions for the benefit of aquatic resources, without State Board approval. In these years, 38 thousand acre-feet (TAF) of supplemental water was released from Trinity Reservoir in 2003, 36 TAF in 2004, 39 TAF in 2012, and 17.5 TAF in 2013. In 2013 a legal challenge occurred over implementing the flow augmentation action, which subsequently resulted in a delay. Also, accretions were greater than forecasted and ultimately lead to the smaller volume used in that year. General observations regarding the effectiveness of the sustained higher releases are that no significant disease or adult mortalities occurred, suggesting flow augmentation was effective at meeting its intended purpose. NEPA reviews (Environmental Assessments) were conducted in each of these years concluding in Findings of No Significant Impacts.

The initial decision in 2014 was to not provide augmentation flows on a preventive basis due to the small run size and lack of any disease outbreak. However, during the first half of August, hydrologic conditions and observed fish health worsened. It was reported the adult return began much earlier than expected, and thousands of fish were stalled at the mouth of Blue Creek on the lower Klamath River mainstem. After consulting with fish agencies, Reclamation determined that an emergency release from Trinity Reservoir was necessary to avert a potentially significant fish loss. In response to a continued and unprecedented concern that a fish die-off was imminent, Reclamation extended the release of augmentation flows on an emergency basis for a longer duration (and higher magnitude) than in prior years based on the emergency criteria established for the releases. In 2014 the total volume released was 64 TAF. As in prior years of implementing flow augmentation, and despite the unprecedented high incidence of infection, no significant mortalities of fish occurred. In 2014 due to the rapid worsening of conditions in the lower Klamath River and the documented occurrence of disease, NEPA compliance was implemented through the ‘Emergency’ provisions as identified by the Council of Environmental Quality.

In 2015, conditions again led to concern about fish health in the lower Klamath River. Flows in 2015 were anticipated to be 2,000 cfs in late August, which is consistent with flows observed in 2002, the year of the large fish die-off. The predicted fall run of Chinook for 2015 was fairly large, with 119,000 expected to return to the lower Klamath River. While this predicted run size was not as high as the fall run of 2002 (170,000), run-size predictions are difficult to make and it is not uncommon for them to be off by 50,000 fish or more. Another factor contributing to the heightened concern was the presence of Ich in the river system as early as July 2015, indicating a significant risk for a large fish die-off in 2015. The warmer-than-normal water temperatures, low flows, potentially large fish-run size, and presence of Ich in the system all indicated a risk of infection and fish die-off event in 2015. Consequently, an Environmental Assessment (EA) to release supplemental flows from Lewiston Dam to improve water quality and reduce the prevalence of fish disease in the lower Klamath River in later summer 2015 was completed. The Proposed Action included supplemental flows to prevent a disease outbreak and a contingency volume to be used on an emergency basis to avoid a significant die-off of adult salmon; approximately 47 TAF was released as part of the 2015 flow augmentation.

In response to the need to provide augmentation flows in several of the past years, and the indication that such flows will be needed in future years, Reclamation committed to developing a long-term plan to address this need along with the appropriate NEPA compliance. Reclamation has determined an EIS is the appropriate level of NEPA compliance for the Long-Term Plan, and will serve as the Lead Agency.

2.1 Previous Public Involvement

The public, tribes, stakeholders (including hydropower generators and water users), federal and state agencies were involved in the development of the 2003, 2012, 2013 and 2015 EAs covering annual flow augmentations in support of salmon health in the lower Klamath River during late summer. Technical experts from Reclamation, other Federal agencies, the Hoopa Valley Tribe, the Yurok Tribe, the State of California, as well as other basin partners have convened on many occasions since the 2002 die-off to analyze biological, hydrologic, channel morphology, and other aspects of the die-off. These meetings have helped to identify alternatives, although no viable non-flow alternatives, and to develop and refine monitoring and flow augmentation criteria. In addition to evaluating options internally and during consultation with tribes and fishery resource agencies, Reclamation conducted a collaborative workshop in Redding, California on December 19, 2013. The workshop was well attended by tribes, fishery resource agencies, counties, water users, power users, environmental interests, and other stakeholders. Through these meetings and the workshop, justification for flow augmentation has been developed, potential environmental concerns have been identified, and non-flow options have been suggested (see below). The information gathered from these coordination efforts has informed the development of the Draft Long-Term Plan, and will be used to help define the scope of the associated EIS.

2.1.1 Beneficial Effects of Flow Augmentation

Through the previous meetings and workshop, specific beneficial effects from flow augmentation have been identified:

- The transmission of free-swimming Ich life stage that propagates among fish can be physically hindered by increased flow rates and velocities.
- Increased flows from the Trinity River Basin often reduce lower Klamath River temperatures in the late summer which can reduce stress and offer migration opportunity in migrating adult fish, while also showing the development of Ich and other pathogens.
- Additional flows can increase the wetted cross-sectional area and pool depth along the river bed, decreasing fish densities.
- Fish are sometimes cued by the flow changes and reduced water temperatures to continue their migration upstream to suitable areas of both river systems.

2.1.2 Potential Environmental Concerns

Discussions during previous meetings and a workshop helped identify potential environmental concerns associated with the proposed action, including:

- Decreases to the Trinity Reservoir cold water pool potentially compromising later efforts to comply with Trinity River temperature goals.
- Decreases to the Trinity Reservoir cold water pool potentially compromising efforts to achieve temperature objectives in the Sacramento River during the year augmentation flows are provided and potentially in succeeding years.
- Potentially exacerbating straying of Klamath River origin fish into the Trinity River.
- Ecological concerns associated with substantial deviations from a natural hydrograph. For example, potentially drawing fall-run fish into spawning grounds amidst spring run fish thereby increasing risk for interbreeding.

2.1.3 Non-Flow Management Tools

While no viable non-flow alternative was identified, certain non-flow related management and predictive tools were suggested:

- Hatcheries may be overproducing, and exceeding habitat capacity. This should be considered in context of Tribal Trust needs and tribal fishery rights.
- Fish passage improvements were suggested, but this type of action is not feasible due to channel dynamics and morphology and does not adequately address the purpose and need for the action.
- Artificially reducing lower Klamath River flows at the beginning of the return period was suggested to discourage fish from entering the river before natural flows were high enough to support them. This approach would mimic the conditions seen in 2002 that eventually lead to the large die-off event, and is thus not thought to be helpful.
- Other river basins where non-flow channel improvements have been made should serve as potential sources of non-flow alternatives.

3. SCOPING PROCESS

The scoping process for the Long-Term Plan EIS included a comment period and a series of open houses/scoping meetings designed to provide background information and provide an opportunity for members of the public to discuss the EIS with project representatives. A variety of notifications were used to announce the open houses/scoping meetings and public comment period, including publishing the Notice of Intent (NOI), issuing a news release, publishing display advertisements, and issuing postcards to those on the Long-Term Plan EIS mailing list.

As part of the scoping process, several agencies and tribes were invited to participate as cooperating agencies on the EIS. Invitations were extended to the Karuk, Klamath, Yurok, and Hoopa Valley Tribes as well as the National Marine Fisheries Service, Fish and Wildlife Service, California Department of Fish and Wildlife, Bureau of Indian Affairs, and Humboldt County. Establishment of these relationships, roles, and responsibilities are currently in progress.

3.1 Public Notifications

3.1.1 Notice of Intent

The Notice of Intent (NOI) to prepare an EIS for the Long-Term Plan To Protect Adult Salmon in the Lower Klamath River, Humboldt County, California, published in the Federal Register (80 FR 41061) on July 14, 2015, also identified the NEPA public scoping meeting locations and dates. A copy of the NOI is provided in Appendix A.

3.1.2 News Release

On July 14, 2015, Reclamation issued a News Release (Appendix B) to media serving Arcata, Weaverville, and Sacramento, California; and Klamath Falls, Oregon. It announced the dates and locations of the open house/public scoping meetings for the Long-Term Plan and how to submit comments.

3.1.3 Advertising

A display advertisement (Appendix C) was published in the newspapers identified in Table 1 according to the listed schedule. The advertisement announced the date, time, and location of the open house/public scoping meetings and also listed information for submitting written comments to Reclamation.

Table 1. Advertisements – newspapers and publication dates

Newspaper	Publication Dates
<i>Times Standard</i> , Eureka, CA	Wednesday, July 29, 2015 Sunday, August 2, 2015
<i>Trinity Journal</i> , Weaverville, CA	Wednesday, July 29, 2015 Wednesday, August 5, 2015
<i>Herald & News</i> , Klamath Falls, OR	Tuesday, August 4, 2015 Sunday, August 9, 2015

3.1.4 Postcard Notices

Postcard notices (Appendix D) were mailed on July 27, 2015, to 2,805 individuals and organizations on the Long-Term Plan EIS mailing list. The postcard notice was e-mailed on July 28, 2015, to 143 individuals and organizations on the Long-Term Plan EIS e-mail distribution list.

3.1.5 Website

The Long-Term Plan for Protecting Late Summer Adult Salmon in the Lower Klamath River was posted on the Reclamation website, and the web address was included in the meeting notices and advertisements.

3.2 Public Scoping Meetings

Open house/public scoping meetings were held from 5:30 p.m. to 7:00 p.m. on the dates in the following four locations:

- **Wednesday, August 5, 2015 - Arcata, California**
Red Roof Inn
4975 Valley West Blvd.
Arcata, CA 95521
- **Thursday, August 6, 2015 - Weaverville, California**
Trinity Country Library
351 Main Street
Weaverville, CA 96093
- **Tuesday, August 11, 2015 - Klamath Falls, Oregon**
Shilo Inn
2500 Almond Street
Klamath Falls, OR 97601
- **Wednesday, August 12, 2015 - Sacramento, California**
Mid-Pacific Regional Office
Cafeteria Conference Room C-1001 & C-1002
2800 Cottage Way
Sacramento, CA 95825

The meeting format, an informal open house with poster stations staffed by Reclamation personnel, was designed to provide attendees an opportunity to review information about the Long-Term Plan EIS, ask questions and have informal one-on-one discussions. A total of 126 people signed in at the four meetings – 74 in Arcata, 13 in Weaverville, 28 in Klamath Falls, and 11 in Sacramento.

Upon arrival, all attendees were invited to sign in and provided an information packet containing the meeting agenda, comment sheet, and fact sheet (Appendix E). At each meeting, Reclamation gave a short presentation starting at 6:00 p.m. The presentation reviewed all of the poster topics. Following the presentation, attendees were invited to visit the poster stations to discuss the EIS topics and ask any questions, as well as submit written scoping comments at the meeting or by mail or e-mail. A copy of the presentation and photographs from the meetings are also included in Appendix E. Copies of the posters which covered the NEPA EIS process, scoping purpose, flow augmentation timeline, biology of potentially affected fish species, hydrology of the affected regions, and potential environmental impacts and concerns are provided in Appendix F.

3.3 Tribal Information Meetings

In addition to the four public scoping meetings, tribal information meetings were held with the Klamath Tribes, Quartz Valley Tribe, Hoopa Valley Tribe, Resighini Rancheria, Yurok Tribe, and Karuk Tribe. Meetings were held at the following dates, times, and locations:

- **Monday, October 5, 2015 at 1:30 p.m. – Klamath Tribes, Chiloquin, Oregon**
- **Tuesday, October 6, 2015 at 9:00 a.m. – Quartz Valley Tribe, Fort Jones, California**
- **Wednesday, October 7, 2015 at 1:00 p.m. – Hoopa Valley Tribe, Hoopa, California**
- **Monday, October 12, 2015 at 1:00 p.m. – Resighini Rancheria, Klamath, California**
- **Tuesday, October 13, 2015 at 10:00 a.m. – Yurok Tribe, Klamath, California**
- **Thursday, October 29, 2015 at 1:30 p.m. – Karuk Tribe, Conference Call**

The same information and materials from the public scoping meetings were presented at the tribal information meetings. A total of 44 tribal members and representatives signed in at the six tribal meetings – six with the Klamath Tribes, three with the Quartz Valley Tribe, three with the Hoopa Tribe, eight with the Resighini Rancheria, 21 with the Yurok Tribe, and three with the Karuk Tribe.

4. COMMENTS

A total of 112 comment documents containing 338 comments were received during the scoping period from agencies, organizations, and individuals. Thirty-one comment documents were submitted at the scoping meetings, 36 were mailed, 24 were e-mailed, and 21 were faxed. Following the Tribal Information Meetings, three additional comment letters were received by mail.

Appendix G includes a list of the commenters and their affiliation, while Appendix H provides a summary of the comments. Appendix I contains copies of the original comment documents.

Each comment document was reviewed, and specific comments were identified and sorted by topic. The comments covered a range of topics, including potential impacts to address in the EIS, suggested alternatives, and commenters' support of or opposition to the Long-Term Plan. The comments received during the public comment period will help identify the predominant issues to be analyzed in the EIS as well as to identify reasonable alternatives to be considered.

4.1 Comment Summary

This section provides a summary of the comments received, sorted by category. Appendix I contains copies of the comments in original form.

4.1.1 Purpose and Need

Comments indicated that the purpose and need statement should be more inclusive than that presented during the public scoping meetings. In addition, commenters specifically noted that:

- The purpose and need statement should be clear and substantiated.
- It should address the current health of the river and need for prevention of fish disease.
- The purpose and need statement should reference scientifically accepted information.
- The language of the purpose and need should specify using water stored in the Trinity Reservoir.

4.1.2 Scope

Some commenters recommended constraining the scope to Trinity River water. Other commenters recommended a broader scope that addresses the entirety of the Klamath River Basin and the water feeding systems, taking a watershed-wide approach.

- The scope should include all CVP water users.
- The scope should cover a multi-year water management planning process.
- The scope should be broadened to include more species, life stages, and historic runs.
- The scope should include the Trinity River Hatchery management and production goals.
- The EIS should consider the health and migration conditions of Spring Chinook salmon.
- The scope should consider more sources of water.

4.1.3 Alternatives Development

Commenters recommended considering a broader range of alternatives and suggested possible new alternatives for consideration.

- The alternatives under consideration should not be biased to political influences or a specific industry or stakeholder group.
- Alternatives under consideration must comply with regulations such as the Trinity River Basin Fish and Wildlife Restoration Act of 1984, which require managing the river to maintain fish and wildlife populations in the Trinity River Basin to levels approximating those which existed immediately before construction of the Trinity River Project.
- Alternatives should consider flexibility in the timing and amounts of flow augmentation.
- Alternatives should consider the Tribes' needs and lifestyles.
- Alternatives should reference current and accepted scientific data.
- Alternatives should consider other sources of the water used for flow augmentation, consistent with applicable water rights. Alternate sources could be other inland bodies of water (e.g., Iron Gate Dam) or the ocean via desalinization.
- Alternatives should consider more conservatively managing or providing additional water storage capacity.
- Alternatives should consider actions to cool the river systems and improve temperature control infrastructure.

- Alternatives should be considered if they only use water from Trinity River and not other water sources.
- The influence of water temperatures, smoke, and fires should be considered when identifying alternatives.
- Alternatives under consideration should ensure that adequate Trinity Reservoir storage is preserved to meet in-basin needs first.
- Reclamation should evaluate and implement alternatives to more conservatively manage Shasta Reservoir storage and upgrade and improve temperature control infrastructure devices.
- Non-flow alternatives should be included in the range of alternatives under consideration.
- The proposed action should include a rigorous, adaptive management based monitoring and research component, including monitoring water quality and temperature.
- The alternatives analysis should include detailed modeling of the proposed action and related impacts.

4.1.4 Water Rights and Legal Authority

Commenters recommended that the EIS include a review of the legal authority and water rights related to the proposed action. Additional recommendations included:

- The EIS should review the process for authorizing release of water for this purpose.
- The decision-makers for water releases should be identified.
- The legal authority over the water in the Klamath River Basin should be identified.
- Water rights precedence should be reviewed.
- Priority should be given to protect tribal trust fisheries resources.
- The EIS should consider the ability to purchase or provide compensation for additional water.
- The EIS should include measures to uphold Reclamation's requirement to meet the Trinity River Record of Decision.

4.1.5 Water Resources

Commenters expressed various concerns about the water resources and recommended that the EIS evaluate those concerns including:

- The water quality continues to decline.
- The water temperature has been increasing causing an increased need for cooler water for the health of the river.
- More water is needed to address the water quality, water temperature and other water issues.
- There should be a clear understanding of limitations caused by competing needs for water.

4.1.6 Biological Resources

Commenters noted that the correct terminology should be “fish kill” rather than “die-off.” Commenters also recommended that the EIS should evaluate environmental impacts to biological resources:

- The ecosystem should be considered as a whole.
- The EIS should consider the fish and wildlife including protection of the Southern Oregon/Northern California Coastal Coho, winter-run salmon on the Sacramento River, giant garter snake, and San Joaquin kit fox.
- The EIS should examine the effects on other stocks of Klamath River salmon and steelhead.
- The EIS should consider the effects of fish disease sampling within additional locations above the Trinity River.
- A matrix should be developed to guide consideration of biological factors such as adult fish abundance, fish migration behavior, lower Klamath River discharge, in-river water temperature, climatic patterns, and fish disease prevalence, as well as previously applied management criteria and newly acquired scientific knowledge.

4.1.7 Tribal Trust Resources

Commenters stressed that the EIS should address how the proposed action might impact the area Tribes:

- Changes to water flows and impacts to the fish and wildlife will impact the Tribal way of life and Tribal traditions
- Tribal water rights must be considered during the EIS evaluations.
- Tribes should be invited to submit their own cultural impacts sections of the EIS.
- The use of Trinity River water to meet the needs of Trinity River fish populations for Tribal trust and ESA purposes must be a priority over meeting the needs of fish outside the Trinity Basin.

4.1.8 Environmental Justice

Commenters provided several statements about environmental justice issues:

- The EIS analysis should include science about impacts on native cultures of long-term policy decisions affecting water quality and fish habitat that relate to traditional, place-based nutrition and cultural needs, and examine how fisheries health and river system function relate to this health disparity.
- The proposed action to divert additional flows to support Indian Trust Assets and associated environmental justice concepts are suspect.

4.1.9 Socioeconomic Resources

The EIS should evaluate socioeconomic impacts from the proposed action, including impacts to the tribes, agriculture and irrigation, fisheries, hydropower generation and recreation.

- The proposed action should not unfairly impact one stakeholder group to benefit another.
- The impact analysis of the proposed action must consider impacts to water users including agriculture/irrigation and utilities.

4.1.10 Public Health

The EIS should evaluate impacts to public health including impacts from poor water quality, low water levels, and consumption of fish. Commenters expressed concern about potential impacts from the decreasing water quality as it relates to drinking the water as well as swimming in the water or consuming fish from the area.

4.1.11 Cumulative Impacts

The EIS should also consider cumulative impacts from the proposed action and reasonable foreseeable future actions that may impact water availability and flows in the affected systems, including the California Water Fix, operations of the Central Valley Project and State Water Project, alternations to Shasta Dam, the Trinity River Restoration Program, and climate change.

4.1.12 Global Climate

The EIS should consider impacts from greenhouse gas emissions and from global climate change in its analysis.

4.1.13 Mitigation

The EIS should include a discussion of the means to mitigate adverse environmental impacts such as restoring habitat and reducing hatchery production to prevent overcrowding. Mitigation measures should be considered even if they entail actions that are outside the lead or cooperating agencies' jurisdiction.

5. CONCLUSION

Scoping is used to obtain information that will focus the NEPA analysis on the potentially significant issues and deemphasize insignificant issues. The scoping process does not end with the completion of the scoping report, but will continue until the record of decision is signed. As new information is discovered or brought forward, it will be considered and included as appropriate.

The EIS will analyze the affected environment of the action alternatives, including the no action alternative, in order to determine the potential impacts and cumulative effects to the human environment. Through the scoping process, Reclamation has narrowed the focus of analysis to the following environmental resources:

- Water Resources
- Biological Resources
- Indian Trust Assets
- Environmental Justice
- Socioeconomic Resources
- Hydropower Generation
- Global Climate

Impacts of alternatives developed using information received during the scoping process will be analyzed and a draft EIS prepared. The draft EIS will be available for review and comment for a minimum of 45 days. Public hearings are anticipated in the spring of 2016 and will be announced in a Notice of Availability (NOA) and News Release.

Reclamation will consider and respond to all comments to prepare the final EIS. Reclamation's decision will be documented in a Record of Decision to be issued no sooner than 30 days following publication by the EPA of the final EIS in the Federal Register.

6. REFERENCES

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40 CFR 1501, *Code of Federal Regulations*, Title 40, "Protection of the Environment," Part 1501, "NEPA and Agency Planning," Office of the Federal Register.

40 CFR 1508, *Code of Federal Regulations*, Title 40, "Protection of the Environment," Part 1508, "Terminology and Index," Office of the Federal Register.

6.1 References Cited in Comments

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Monroe County Conservation Council, Inc. v. Volpe, 472 F.2d 693, 697 (2d Cir. 1972).

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U.S. Fish and Wildlife Service, 2014, “Effects of Drought and CVP/SWP Operations on Fish,” California Department of Fish & Wildlife; National Oceanic Atmospheric Administration, PowerPoint, slides 9-15.

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Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 585, 589 (1952); *Louisiana Pub. Serb. Comm’n v. F.C.C.*, 476 U.S. 355, 374 (1986).

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Comment Document 1353

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Comment Document 1355

National Academy of Sciences of the 2001 water shutoff to the Klamath reclamation project, independent peer review.

Comment Document 1368

Sarah J. Bjork, 2010, “Appendix 1: The Effects of Temperature and Dewatering on the Survival of *Manyunkia Speciosa*,” *Factors Affecting the Ceratomyxa Shasta Infectious Cycle and Transmission Between PolyChaete and Salmonid Host* 193-201, <http://ir.library.oregonstate.edu/xmlui/handle/1957/15435?show=full>.

APPENDIX B

News Release

**Mid-Pacific Region
Sacramento, Calif.**

MP-15-111

Media Contact: Erin Curtis, 916-978-5100, ecurtis@usbr.gov

For Release On: July 14, 2015

Open House/Scoping Meetings Scheduled on Long-Term Plan for Protecting Adult Salmon in the Lower Klamath River

SHASTA LAKE, Calif. - The Bureau of Reclamation has scheduled four open house/public scoping meetings to begin preparation of an Environmental Impact Statement to evaluate the effects of the Long-Term Plan for the Protection of Adult Salmon in the Lower Klamath River. The lower Klamath River is located in Humboldt and Del Norte counties, Calif.

The purpose of the scoping meetings is to solicit early input from the public regarding the development of alternatives to be evaluated and their potential environmental impacts. The scoping meetings will be held in:

Arcata, Calif.: Wednesday, Aug. 5, 5:30 to 7 p.m., Red Roof Inn, 4975 Valley West Blvd.

Weaverville, Calif.: Thursday, Aug. 6, 5:30 to 7 p.m., Trinity County Library, 351 Main Street

Klamath Falls, Ore.: Tuesday, Aug. 11, 5:30 to 7 p.m., Shilo Inn, 2500 Almond Street

Sacramento, Calif.: Wednesday, Aug. 12, 5:30 to 7 p.m., Cafeteria Conf. Rooms C-1001&1002, 2800 Cottage Way

The open house will start at 5:30 p.m. At 6 p.m., there will be a brief presentation. The open house will resume after the presentation and continue until 7 p.m.

Written comments will be accepted at the scoping meetings or may be mailed to Paul Zedonis, Bureau of Reclamation, Northern California Area Office, 16349 Shasta Dam Blvd., Shasta Lake, CA 96019 or emailed to sha-slo-klamath-LTP@usbr.gov. Written comments must be received by close of business Thursday, Aug. 20, 2015. For more information, please contact Zedonis at 530-275-1554 (TTY 800-877-8339).

To request special assistance to attend an open house/scoping meeting, please contact Zedonis at the number listed above at least five days prior to the open house/scoping meeting.

Information regarding the draft Long-Term Plan is available at http://www.usbr.gov/mp/ncao/docs/long-term_plan_protect_lower_klamath_04-2015.pdf.

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Reclamation is the largest wholesale water supplier and the second largest producer of hydroelectric power in the United States, with operations and facilities in the 17 Western States. Its facilities also provide substantial flood control, recreation, and fish and wildlife benefits. Visit our website at <http://www.usbr.gov>.

APPENDIX C

Newspaper Advertisements

WEDNESDAY, JULY 29, 2015

TIMES-STANDARD.COM REGION 3

HUMBOLDT COUNTY

Measure Z funds allow sheriff to add to the force

Applicants sought for deputy positions

The Times-Standard

Humboldt County Sheriff Mike Downey announced Tuesday that his department is now accepting applications for the position of deputy sheriff recruit.

"We are looking for motivated, hard-working men and women who have integrity, good communication skills and the physical ability to become one of Humboldt County's finest," Downey said in the announcement.

No experience is necessary. The deputy sheriff recruit position is intended to prepare candidates for the position of Deputy Sheriff I. Once an

applicant passes the testing process, a comprehensive background investigation is conducted. The application deadline is Aug. 5.

The positions are made possible through Measure Z funding.

Upon hiring, the candidates will be sent to the College of the Redwoods Police Academy currently scheduled for January 2016. Those who are currently attending the police academy also are encouraged to apply. Salary for the positions ranges from \$17.70 to \$22.75 per hour. The applicant must be willing to work evening, night, weekend and holiday shifts.

For more information, contact Humboldt County Human Resources or the Humboldt County Sheriff's Office at 446-7251.

EUREKA

Police respond to 2 unrelated overnight assaults

One incident led to arrest; the other under investigation

By Tabitha Solen

tsolen@times-standard.com

The Eureka Police Department responded to two unrelated assaults overnight that led to the arrest of one man, according to EPD Public Information Officer Britany Powell.

The first incident occurred Monday around 10:40 p.m. Police responded to an unknown problem at a grassy field near the 900 block of Waterford Drive in Eureka, Powell said.

"When police arrived they located a male and female that had been assaulted," she said. "The male appeared to have facial injuries and was unconscious."

The woman reported that a man at the scene, identified as 31-year-old Brandon Crosby, allegedly assaulted her and the other victim with a large stick after they asked Crosby to be quiet, Powell said.

"It sounds like they were all camping in the grassy area," Powell said.

The woman reported that the man had asked Crosby to be quiet because he did not want the police to be called to the campsite. Both the man and the woman were taken to a local hospital. They are expected to make a full recovery, Powell said.

Crosby was arrested on suspicion of assault with a deadly weapon, being drunk in public and for probation violation, according to Powell.

The second incident occurred several hours later around 1:40 a.m. Tuesday. "No formal reports were filed at 6th and V for the report of a female that had been assaulted with hammer or the 6th and V was also robbed," Powell said.

When police arrived at the scene they were unable to locate the woman. Police contacted several individuals near 6th and T streets before receiving another call from the woman, who said she was in the vicinity of the Byrne Center.

She denied medical attention and when police arrived at the location they were still unable to locate her, Powell said.

Police finally made contact with the woman when she called back at 6:46 a.m. Tuesday. She again denied medical attention and Powell said the items stolen from the woman had not been identified.

"It was later determined that the female had been involved in an altercation previously in the day involving a property dispute," Powell said.

"So far no arrests have been made and police are still investigating." Tabitha Solen can be reached at 707-441-0500.

HOMICIDE

Autopsy shows Georgia man died from blunt force trauma, not fall

The Times-Standard

The Georgia man who was on life support with no brain activity — and subsequently taken off after consultation with his family — died from blunt force trauma to the head.

According to a Humboldt County Sheriff's Office press release, an autopsy on Saturday of Khanh Lam, 37, revealed

that his injuries were not consistent with a fall as previously reported by a witness. His death is now being investigated as homicide.

Lam arrived at Jerald Phelps Community Hospital in Garberville on July 18 in critical condition, unconscious and with a severe head injury according to a previous sheriff's office release. He was later flown to

an out-of-area hospital for treatment before being diagnosed with no brain activity.

The previous release states that a witness told investigating deputies that Lam was arguing with a woman near the 700 block of Loomis Street in Garberville and had tried to remove her child from a car. Lam was reportedly confronted by four males and ran away, but was pursued by the four males and their dogs, according to the previous release. Lam reportedly fell during the pursuit and was found lying on the ground in a wooded area by witnesses who called 911.

According to sheriff's office Lt. Wayne Hanson, Lam was taken off of life support the day before the autopsy.

day found him guilty of being a felon in possession of a firearm with a special allegation that he had previously been convicted of a strike under California's Three Strikes Law, according to the release.

On the day of the incident Carter obtained a shotgun from Chapman who then attempted to get the weapon back. Chapman arrived at Carter's home armed with a pistol, which he reportedly pointed at several people, including Carter, according to the release.

Carter then fired a single shot that killed Chapman. Carter is scheduled to be sentenced on Sept. 4. The release states he faces a maximum of six years in state prison.

ARCATA

Special council meeting today

The Times-Standard

The Arcata City Council will hold a special meeting today at 7 p.m. at Arcata City Hall to award a bid for the 60th timber harvest.

The bid is recommended to be awarded to Forest Products in Arcata and Sibley Spruce logs to Southeast Lumber Company in Redding.

Following the awarding of the bid, the council will continue into a closed session conference with labor negotiators.

The next regularly scheduled council meeting will be held on Aug. 19.

COURTS

Man in SoHum shooting found guilty of gun charge

The Times-Standard

A Southern Humboldt man involved in a fatal shooting was found guilty Monday of being a felon in possession of a firearm, according to a Humboldt County District Attorney press release.

In April Carter, 34, killed 35-year-old Reddy resident Zolksy Jacob Chapman in what was determined to be a justified shooting, the release states.

A murder charge against Carter was dropped earlier this year. A jury on Monday found him guilty of being a felon in possession of a firearm with a special allegation that he had previously been convicted of a strike under California's Three Strikes Law, according to the release.

On the day of the incident Carter obtained a shotgun from Chapman who then attempted to get the weapon back. Chapman arrived at Carter's home armed with a pistol, which he reportedly pointed at several people, including Carter, according to the release.

Carter then fired a single shot that killed Chapman. Carter is scheduled to be sentenced on Sept. 4. The release states he faces a maximum of six years in state prison.

SAN FRANCISCO

Supreme Court: Wills may be amended after death

The Associated Press

SAN FRANCISCO — The California Supreme Court says wills may be amended after death if there is clear evidence they do not accurately reflect their authors' wishes.

The court's ruling on Monday noted that the evidence has historically been considered inadmissible to change an unambiguous will.

The court's ruling came in the case of a will prepared by Irving Dale that bequeathed his estate to his wife if he died first and to their children if they died at the same time. The will, however, was amended to distribute the estate if he lived longer than his wife.

That spaded a fight between the charities and Irving's estate. The California Supreme Court sided with the charities.

Heat

FROM PAGE 1

"It's hot and a little windy. It's been like this the past few days," she said.

Tuesday was the hottest day of the week so far in Willow Creek, Deeds said. "We're actually pretty busy for a Tuesday afternoon," she said. "We're selling a lot of ice cream."

Aylward said this heat is rare for the area. "It's important for people to take it a little slower. Michael Rasotti said this week of the carved tusks for sale in the store he manages.

"Cow bone," Virginia Lo, manager of a Chinatown shop, said of the half-dozen carved tusks up to 4 1/2 feet long that she was selling. Those claims are a ruse, according to opponents of the global trade in elephant ivory.



Benjamen Carter, 34, killed 35-year-old Reddy resident Zolksy Jacob Chapman in what was determined to be a justified shooting, the release states.

CHINATOWN Planned ivory rules not fazing SF stores

By Ellen Knaflmeyer

The Associated Press

SAN FRANCISCO — Ivory dealers in San Francisco's Chinatown stood in their shop doors next to windows full of carved ivory tusks and trinkets, unaffected by proposed federal rules that the White House says go as far as to ban the U.S. trade of ivory from the world's endangered elephants.

"Woolly mammoth ivory" not elephant ivory, said one dealer, said of the half-dozen carved tusks up to 4 1/2 feet long that she was selling.

"Cow bone," Virginia Lo, manager of a Chinatown shop, said of the half-dozen carved tusks up to 4 1/2 feet long that she was selling. Those claims are a ruse, according to opponents of the global trade in elephant ivory.

lot across from Waterfront Cafe were among the suggestions as well as ensuring that no government officers took up the waterfront property.

"There's so many things you can do," tour participant Jay McCubrey said.

Jessie Franklin can be reached at 707-441-0500.

WEATHER ACROSS HUMBOLDT COUNTY ON TUESDAY

Arcata: High of 75, low of 53
Fortuna: High of 77, low of 50
Garberville: High of 104, low of 48

McKinleyville: High of 80, low of 50
Willow Creek: High of 103, low of 54

Planning

FROM PAGE 2

City Manager Greg Sparks confirmed that the city was considering selling the property.

Others questioned whether prospective buyers would be bound by the planning sessions process if the city-owned property was sold.

"There are a number of ways to encounter the sale of property," Holmlund said. "We'll work with the

city attorney?" A group of residents gathered at the foot of C Street on Tuesday morning to tour the site and offer opinions.

Discussion ranged from planning for structures — primarily retail spaces — to the boardwalk to installing a Ferris wheel at the north end of the property adjacent to the C Street Plaza.

Those participating agreed that view corridors should be preserved along C, D, E and F streets, and that the sale would encourage a mix of residential and business uses, while others

agreed on the idea of having businesses adjoining the south side of the boardwalk.

All agreed that open space and outdoor seating were a must for the site's plans.

"This is a natural gathering spot, we should promote it," participant Midge Cushing said.

Councilwoman Kim Berg agreed.

"I like the idea of open space," she said. "I also like the outdoor seating. It does that a lot in bigger cities."

A small concert venue, small business spaces, incorporating art into the development, and a grocery store in the vacant

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- Arcata, Calif.: Wed., Aug. 5, 5:30 – 7 p.m., Red Roof Inn, 4975 Valley View Blvd., Ukiahville, Calif.: Thu., Aug. 6, 5:30 – 7 p.m., Trinity County Library, 331 Main St.
- Klamath Falls, Ore.: Aug. 11, 5:30 – 7 p.m., Shilo Inn, 2500 Almond Street
- Sacramento, Calif.: Wed., Aug. 12, 5:30 – 7 p.m., Bureau of Reclamation Conference Rooms C-1001 & 1002, 2800 Cottage Way.

The open house will start at 5:30 p.m. At 6 p.m., there will be a brief presentation. The open house will resume after the presentation. Written comments will be accepted at the meetings or may be mailed to Paul Zedonis, Bureau of Reclamation, Northern California Area Office, 16349 Shasta Dam Blvd., Shasta Lake, CA 96019 or emailed to shasta.klamath@hwr.usbr.gov. Written comments must be received by Thursday, Aug. 20, 2015. For more information contact Zedonis at 530-275-1554 (TTY 800-877-8339) or visit http://www.usbr.gov/trp/ohsc/docs/long-term_plan_protect_lower_klamath_04-2015.pdf. To request special assistance to attend the meetings, please contact Zedonis at the number listed above at least five days prior to the meeting.

Advertisement for Randall K. Hecker, D.M.D., a dentist. The ad features a photo of a smiling man and text that reads: 'Now Accepting New Patients'. Contact information includes 2787 Harris Street, Suite A, Eureka, CA 95501, and phone number 707-443-6781. A website URL, www.gowiththedentist.com, is also provided.



FUNDRAISER

GOT SHOES? GIVE 'EM AWAY

You don't have to be Imelda Marcos to have too many shoes

The Times-Standard

Often, admit it. You're never going to wear those surprise Keds you bought brand-new 25 years ago...

CASA and families around the world. To participate, bring pairs of new and gently used shoes to the CASA office at 2366 Myrtle Avenue in Eureka on Thursdays and Fridays from 9 a.m. to 5 p.m....

Center, Fortuna. Garbage bags and rubber bands are also available at the CASA office for people who are interested in collecting shoes on CASA's behalf.

Acceptable donations: Any type of shoes: high heels, sandals, oxfords, gym shoes, boots, moccasins, slippers, dress shoes and more. They must be in pairs. CASA cannot accept single shoes.

Drop-off locations: Timber Ridge, McKinleyville; Lorna's Mexican Restaurant, Arcata; Pacific Union School, Arcata; Humboldt Senior Resource Center, Eureka; Fin-N-Feather Pet Shop, Eureka; MultiGenerational...

North Coast Happenings



Megalo hile perikita, commonly known as the Western leaforuting bee, is native to western North America. Pete Haggard, who took the photo, will give a free presentation about coastal bees at 7 p.m. Friday during 'Friday Night at the Refuge,' a summer monthly event at the Humboldt Bay National Wildlife Refuge in Loleta.

MONDAY ABOUT AVIATION EUREKA: The North Coast Vintage Aviation Society will hold a monthly meeting on Monday at 11:30 a.m. at the Ellis Lodge, 445 Herk Road. The program will be a DVD by the Collins Foundation on "Vintage Airplanes."

National Wildlife Refuge will host "Friday Night at the Refuge" on Friday (and the first Friday every month through October). The refuge will be open that day from 8 a.m. to 8 p.m. All ages can enjoy a walk along the Shoreland Loop Trail during the evening hours and a free, natural resource-related presentation at 7 p.m. at the Visitor Center.

TUESDAY SUPPORT GROUP FORTUNA: The Breast and GYN Health Project's Outreach Center will hold its monthly Breast Cancer Support Group on Tuesday from 6 to 7:30 p.m. at the office of Victory Angels, 1719 Main St. The project's regular drop-in hours in Fortuna are Tuesday from 5 to 6 p.m. For more information or for an appointment, call 530-424-2515.

This month's presenter is Pete Haggard, who will discuss "Coastal Bees and Their Needs." Learn about common local bees and what they require for survival. Bring along any insects you'd like to share or how many bees you have. Haggard is retired from the Humboldt Agriculture Department. He and his wife Judy Haggard are the authors of "Insects of the Redwood Coast" (Timber Press Field Guides), and he is the garden chair of the North Coast Chapter of the California Native Plant Society.

WEDNESDAY WOMEN'S VOLLEYBALL EUREKA: A league organization meeting will take place at 6 p.m. Wednesday for the 2015 Women's Fall Volleyball League, at the Adorn Recreation Center, 1011 Waterfront Drive. League games begin the week of Sept. 14 and will tentatively end in mid-December. The cost for each team will be \$325 plus a \$10 non-resident fee for anyone living outside of Eureka city limits.

Meet at the Richard J. Gaddigo Headquarters, Visitor Center, 1020 Ranch Road in Loleta. For more information, call 733-3406 or visit www.govinfo.net/humboldt_bay.

DEL NORTE BRIDING CENTER CITY: Join Redwood Region Audubon Society and the Redwood Fair Association for a free shoebinding trip in Del Norte County on Sunday, Aug. 9. Humboldt participants can meet leader Rob Fowler at 7:30 a.m. in Arcata, near Exit 10 on the Valley West Shopping Center off Glen Hill Lane. Del Norte participants should meet at 9 a.m. near the public restroom off Anchor Way in Crescent City. Participants will leave out shoebindings at Lakes East and Loleta, and at the Alexander Day pond in the Smith River Bottoms. Bring a beach, the trip will last for five to six hours. It is limited to 15 people. Register with Susan Clark at susanecalk@gmail.com. Contact Fowler at 616-9341 for more information.

LANDSCAPING VOLUNTEERS MANILA: Volunteers are needed to help maintain the native landscaping around the Humboldt Coastal Nature Center by removing annual grasses on Wednesday from 5 to 6:30 p.m. Participants will be trained to recognize native and non-native plants, and can then come out during times that best fit their schedule. Bring gloves if you have them and come dressed for the weather. For more information contact Friends of the Forest at 444-1587 or info@friendsoftheforest.org.

RED HAT LADIES KEN SALMON: The Fortuna Sophisticated Ladies chapter of the Red Hat Society will meet at Gill's by the Bay on Wednesday at noon. Lou Eldridge and Gail Olson will be the hostesses. The chapter is open to new members. Those interested are invited to call Lou Eldridge at 725-3028.

FRIDAY AT THE REFUGE LOLETA: Humboldt Bay National Wildlife Refuge is offering services for clubs, government agencies and nonprofit organizations that wish to publicize events. Send notices one week prior to publication to the Times-Standard Life Style Section, by email to sl@times-standard.com, by fax to 444-0200, or by mail to P.O. Box 36502, Eureka, CA, 95502. Include a phone number. The Times-Standard reserves the right to edit and shorten notices for space.

CHANGES

DellArte director steps down effective today

The Times-Standard

BLDG CLARK: Ronlin Foreman joined the full-time faculty of DellArte in 2002 after a 20-year association as a master teacher. Effective today, he will step down as school director as announced on April 1. In light of changing conditions within the school and DellArte's need for freedom to explore future options for training, he plans to continue serving the school while maintaining fidelity to his point of view regarding the pedagogical perspective and my practices for theater training.

step down as school director comes at a time when the organization is re-evaluating many aspects of DellArte, including the three training programs and our role as a producer of original ensemble theater. "Since it's a dramatic theater, performance focusing on his perspectives of an actor in a dramatic theater."

male Australian Aboriginal artist who is currently in the wilderness for as long as six months. DellArte founder Jane Hill chairs the campaign to help raise funds for the venture.

DellArte is in the midst of an institutional analysis about its future, through a grant from The James Irvine Foundation. "Ronlin's decision to

continue development of the school and the integrity of the MFA program. He will continue his affiliation with DellArte as a master teacher, although his primary focus for the coming year will be the Ronlin Walkabout Project, which will support enthusiastic."

"Since its inception, DellArte has promoted a concept of evolution for its students, faculty and staff," said Hill. "I believe there should be a continual conscious exploration, not just in education, but in every stage of life, particularly for the artist. I am excited about the Ronlin Walkabout adventure and look forward to sharing the results."

INVISIBLE WOMEN?

Hollywood's female superhero problem

By Dennis J. Laug

The Associated Press

LOS ANGELES: Batman, Spider-Man, Iron Man, Ant-Man. The list of male superheroes starring in their own big-screen escapades is longer than Tony Stark's ego, and the billions of dollars these films have generated rival the fortunes of the well-off insider. However, in spite of Hollywood's undimmed fascination with supermen, a new surge of female power could finally electrify the genre and more closely resemble the audiences of comic book adaptations.



Keira Knightley as Diana Prince/Wonder Woman in the action-adventure film, 'Batman V. Superman: Dawn of Justice.'

That's the apparent take-away from Marvel Studios' latest release, "Ant-Man." The film concludes with a spider skirt — Beangeline Lilly's character Hope Van Dyne, being bestowed with her late mother's prototype superhero suit and alter-ego. When she spots the ensemble, she satirizingly informs her inventor father, "It's about damn time." It likely is, considering 46 percent of "Ant-Man" ticket buyers on opening week-

end were women. "It was always intentional to end the movie that way with Hope saying she's going to be suited up in future adventures," said Kevin Feige, president of Marvel Studios. "Over the years since we shot that, it's taken on a greater meaning out there in the fan community. It's more relevant now than it's ever been."

Over the past seven years of interconnected Marvel superhero movies, female characters who are not codenamed Black Widow have mostly been relegated to the sidelines as love interests, sidekicks, damsels in distress or allies the above, making Hope's parting words resonate beyond the screen for viewers who've long been dissatisfied with the lack of female superheroes in movies, despite their decades-long histories in comics.

When women don't see ourselves represented in an important role, for instance as a superhero, we begin to question our value in society," said Letamendi. "It's surprising that we're still considering that, but it's a real issue. The clinical term for it is symbolic annihilation, and it has a damaging effect, especially on younger audiences."

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TELEVISION

Maisie Williams to be new character on 'Doctor Who'

THE ASSOCIATED PRESS: EVERETT HILLS: When viewers see Maisie Williams on the new season of "Doctor Who," she'll be a brand-new character, not one from the past. "Once you see what she's up to... you'll appreciate what a clever idea it was," show runner Steven Moffat said Friday at a TV critic's panel. "It's a significant role. We're not just getting star value and throwing it away. It's a great part, and she's terrific in it." Williams is best known as Arya Stark on HBO's "Game of Thrones," and Moffat says her role on "Doctor Who" is different for the 18-year-old actress. "If people are largely associated with a character on show, then it's good to have them on your show. The audience will know who you're playing, somebody else. They won't get confused," he said. Moffat also teased that "it will take you a moment or two to realize what we're up to" with Williams' character. Season nine of "Doctor Who" premieres Sept. 19 on BBC America.

Buying or Selling a Home? Joe Mattcoil 496-4561 JOEMATTOOL.COM

