

CHARGE TO PEER REVIEW PANEL

December 26, 2011

Subject Report: *Klamath Dam Removal Overview Report for the Secretary of the Interior: An Assessment of Science and Technical Information (Overview Report)*

Purpose of the Peer Review Panel: The purpose of a peer review of the Overview Report is to improve its quality and usefulness by ensuring that it accurately reflects major findings of cited reports especially those relevant to the four questions listed in the Background, adequately covers major topic areas essential for a Secretarial Determination, reaches defensible conclusions, and is clearly presented. In addition, the review is being conducted to fulfill Office of Management and Budget's (OMB) guidance to agencies for a rigorous peer review process for Highly Influential Scientific Assessments (as defined in OMB's December 16, 2004, Final Information Quality Bulletin for Peer Review). Review of the Overview Report will also include a public comment period, as the credibility and public acceptance of a report increases with a rigorous review process in an open and transparent fashion that includes public participation.

Background: Under the terms of the Klamath Hydroelectric Settlement Agreement (KHSA), the Secretary is to make a determination (referred to as the Secretarial Determination) as to whether removal of four privately owned dams on the Klamath River in Oregon and California is in the public interest and will advance restoration of the salmonid fishery. As a part of this "Secretarial Determination," the KHSA identified information needs and specific questions that should be addressed with new studies and analyses. For the Secretarial Determination process additional detail was necessary for these questions beyond what was originally laid out in the KHSA, and now includes the following four questions: (1) whether dam removal as outlined in KHSA, along with implementation of programs in the Klamath Basin Restoration Agreement (KBRA), would be in the public interest, including but not limited to local and tribal communities; (2) whether implementation of these agreements would advance salmonid fisheries (salmon, steelhead, and trout), as well as several other native fish populations in the basin; (3) what risks are there to an entity charged with removing the dams; and (4) what would dam removal entail in terms of engineering, mitigations, and costs?

The purpose of the Overview Report is to provide a single, convenient, synthesis of major findings from available technical reports that address each of the four questions listed above, including (but not limited to) new technical reports prepared by a Federal Team for the Secretarial Determination. This Overview Report does not present findings or recommendations as to whether implementation of the agreements is in the public interest (question 1 above); that Determination will be made by the Secretary of the Interior. This report does, however, present information for a public interest determination, including the potential effect of implementing the two agreements on the national economy, regional jobs, local communities and Indian tribes, and natural resources.

This report is not written in a standard science reporting format with full technical descriptions of methods used, data sources, and study assumptions. Its focus is on summarizing in plain language the major findings and conclusions from many reports and information sources, and in some cases, drawing new conclusions. The intended audience for the Overview Report includes Federal, state, and local officials, stakeholders in the basin, and the general public.

This Overview Report, the new technical reports prepared by the Federal Team for the Secretarial Determination, and a Final Environmental Impact Statement/Environmental Impact Report on Klamath Facilities Removal, are all important documents that will inform a Secretary of the Interior Determination on Klamath dam removal.

Charge to the Peer Review Panel:

The peer review comments from the panel should focus on ensuring the Overview Report accurately reflects cited reports, that it adequately covers major topic areas essential for a Secretarial Determination (the four questions identified above), that any conclusions it reaches are defensible, and that the report is clearly presented. The review comments should avoid matters of policy and law. For example, the reviewers should not provide advice on topics such as the amount of uncertainty that is acceptable for decision making or the amount of precaution that should be embedded in an analysis. Such considerations are the purview of the government. Peer review of the Overview Report should not extend to conducting peer reviews of the cited reports. The new federal reports prepared for the Secretarial Determination have already undergone peer review.

The questions below primarily define the scope of the requested peer review. Some of the questions below are for specific sections, covering the four questions discussed earlier that are in Sections 4.1 to 4.4 of the Overview Report, and some questions cover the remainder of the report's sections, or an overall evaluation of the report.

The panel will be given an electronic version of the scientific and technical public comments compiled on the draft Overview Report. The contractor (Atkins North America, Inc. [Atkins]) will collect public comments, sort them into subject areas, and highlight comments that are scientific and technical in nature in order to make efficient use of the peer reviewer's time. The peer reviewers are asked to consider only the public comments that are technical or scientific in nature to determine whether the comments justify modification of the Overview Report during their face-to-face deliberations and during preparation of the panel's written report of peer review comments. The panel does not have a requirement to provide a response to the public comments for use by the Government.

Broad Review Questions:

Does the report meet expectations laid out in the "Purpose and Scope of this Report" (Section 1.1 of the Overview Report) in terms of the scientific and technical subjects covered, the depth of that coverage, and the clarity of the report?

In the judgment of the reviewers, do the Overview Report sections covering "Introduction", "Technical Input and Public Outreach", and "Data Collection Processes" provide the context needed for the reader to understand the issues, the technical content in the report, and the significance of the findings and conclusions?

Do the "Executive Summary" and "Summary and Conclusions" capture the major findings in the main body of the Overview Report adequately and accurately; do these sections miss any major findings in the Overview Report?

Does the Overview Report base its conclusions upon the best available science? Are there any significant peer-reviewed scientific papers that the Overview Report omits from consideration that would enhance its scientific quality?

Review Questions for Specific Sections:

Expected Effects of Dam Removal and KBRA on Physical, Chemical, and Biological Processes that Support Salmonid and Other Fish Populations (Section 4.1 of the Overview Report):

Do the findings presented in this section of the report accurately and adequately reflect the findings in the cited reports?

In the judgment of the reviewers, are there any important information gaps that limit the fundamental understanding of the likely effects of implementing the agreements on Klamath fisheries and fish populations?

Are the findings reasonable regarding the likely effects of implementing the agreements on Klamath fisheries and fish populations?

Dam Removal Detailed Plan and Estimated Cost (Section 4.2 of the Overview Report):

Do the findings presented in this section regarding the detailed plan for dam removal accurately and adequately reflect the findings in the cited reports?

Are the estimated dam removal costs adequately presented and explained?

Are the dam removal mitigation actions adequately presented and explained?

Are there important information gaps that limit the understanding of the engineering, mitigations, or costs associated with dam removal?

Risks and Uncertainties of Dam Removal (Section 4.3 of the Overview Report):

Are the possible risks and uncertainties of dam removal characterized in an understandable and defensible manner?

Are there any important information gaps relative to potential risks associated with dam removal?

Analysis of Information to Inform a Decision on Whether Dam Removal and KBRA are in the Public Interest (Section 4.4 of the Overview Report):

Do the findings in this section accurately and adequately reflect the findings in the cited reports?

Are the major findings relative to the public interest brought forward into the Overview Report from the cited literature? Public interest includes regional and national economics and jobs, tribal values, and other societal values and issues?

Are there any important gaps in the information presented for a public interest determination?

Documents to be provided to the Peer Review Panel:

The following list of documents will be provided to the peer review panel:

- This “Charge to the Peer Review Panel”;
- The subject Overview Report: *Klamath Dam Removal Overview Report for the Secretary of the Interior: An Assessment of Science and Technical Information*;
- The two agreements concerning dam removal (KHSA and KBRA, including the newly revised KBRA Appendix C-2 table of planned expenditures);
- Federal reports prepared by agencies or contractors as part of the Secretarial Determination process that are cited in the Overview Report and posted on the project website (KlamathRestoration.gov);
- Other cited literature in the Overview Report;
- Public comments received on the Overview Report; these comments will be collected and collated by Atkins and the technical and scientific comments will be made available to the panel around February 4, 2012.

Schedule for Peer Review Process:

This peer review process will be managed by Atkins (a consulting firm with a specialty in facilitating and conducting peer reviews) to ensure the review process follows this charge to peer reviewers, is independent and objective, and meets timelines for report delivery. Key milestones are listed below (dates are subject to change):

January 17, 2012: Panelists will receive SDOR electronically and may begin their individual review of the subject report and reading any supporting documents. Paper copies will follow.

February 4 – 12, 2012: Public comments will be made available to the peer review panel to consider in their deliberations; comments will be compiled and delivered to the panel by Atkins.

February 13 – 17, 2012: Panelists will meet face-to-face to discuss the Overview Report and to prepare their report of peer view comments; this process will be organized and facilitated by Atkins.

March 3, 2012: Final report from the peer review panel is delivered by Atkins to the US Fish and Wildlife Service Contracting Officer and the USGS Contracting Officer Technical Representative.

March 4 – April 30, 2012: The Federal Team and its contractor (CDM) will respond in writing to the peer review comments, will make necessary changes to the Overview Report in response to comments, and will finalize the Overview Report.

April 30, 2012: Final Overview Report will be posted on KlamathRestoration.gov, along with the peer review panel's comments, and the Federal Team's response to the peer review panel comments (resolution document).