

Salmon River Restoration Council

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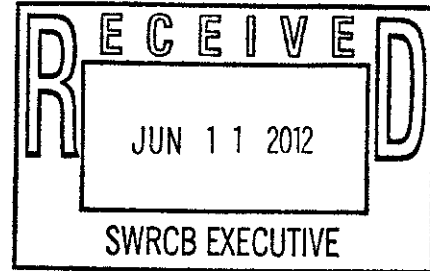
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Charlie Hoppin, Chair
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Fran Spivey-Weber, Member
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State Water Resources Control Board
Post Office Box 100
Sacramento, CA 95812-0100



Re: Abeyance of PacifiCorp Energy's Section 401 Clean Water Act Water Quality Certification, Klamath Hydroelectric Project, FERC No. 2082

Dear SWRCB Members and Staff:

On behalf of the Salmon River community and restoration advocates the Salmon River Restoration Council requests that the State Water Resources Control Board ("SWRCB") support a resolution to continue the abeyance of PacifiCorp Energy's Section 401 Clean Water Act water quality certification for the Klamath Hydroelectric Project, FERC No. 2082. Work on the KHSA is at a critical juncture, and we respectfully request that you continue the abeyance to allow Congress the time to enact H.R. 3398. The parties to these agreements need additional time to continue to focus their collective efforts on implementation of the KHSA.

H.R. 3398 is a landmark measure that would implement a comprehensive plan, developed through a multi-year collaborative effort among farmers, ranchers, fishermen, Tribal leaders and conservationists, to settle one of the nation's most volatile ongoing water crises. Implementing KHSA and its companion Klamath Basin Restoration Agreement (KBRA) represents the best way forward for the Klamath River Basin and its communities who depend upon a healthy ecosystem. And, while Congress has not yet acted, we are hopeful that it will embrace these Agreements to benefit the Klamath River Basin because they ensure the parties' work to restore fish and wildlife habitats, improve water quality and strengthen the local economy.

The Klamath Basin Economic Restoration Act authorizes the implementation of the Klamath Basin Restoration Agreement (KBRA) and the Klamath Hydroelectric Settlement Agreement (KHSA). The two Agreements jointly envision a collaborative approach to natural resource restoration and management as well as economic and environmental restoration. In addition, they settle decades of water rights disputes and other litigation over natural resources in the region.

The KHSA parties agreed to request an abeyance of the California and Oregon Clean Water Act Section 401 proceedings in order to allow the parties to the KHSA to focus on implementation of the agreement, including studies of the anticipated impacts of dam removal and of water quality measures to be implemented during the interim period prior to potential dam removal. The KHSA specifically obligates PacifiCorp to withdraw and resubmit its water quality certification applications to avoid a situation in which California or Oregon would waive their respective certification authorities under the CWA. This prudent course was designed to ensure the important water quality certification conditioning authority of the states of California and Oregon is fully protected should dam removal under the KHSA not proceed.

The Klamath Agreements chart a bold new course, positive progress is being made to improve environmental and water quality conditions in the Klamath River basin while the legislative process catches up with the progress made by the Klamath settlement parties in forging a path forward that will benefit the environmental and economic interests of the Klamath basin. Now is not the time to return to a regulatory process and litigation, which would be the likely result of moving forward with the Clean Water Act 401 process.

We urge you to continue the abeyance of the water quality certification process for another year to allow the KHSA settlement party's additional time to implement the KHSA and to allow Congress to take action on necessary implementing legislation. Like the KHSA parties, the Salmon River Restoration Council remains steadfastly committed to successful implementation of the KHSA, and we believe that an abeyance of the California Section 401 Clean Water Act water quality certification process for this year is critical to the success of the KHSA.

Very truly yours,



Joshua Saxon
Executive Director
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