



KLAMATH RIVERKEEPER

An affiliate of the Waterkeepers Alliance

www.klamathriver.org

California

PO Box 21

Orleans, CA 95556

(530) 627-3280 (ph)

Oregon

PO Box 897

Ashland, OR 97520

(541) 821-7260 (ph)

(541) 951-0126 (cell)



June 16, 2008

Tam Doduc
Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

RE: Delay of PacifiCorp 401-certification process request

Dear Ms Doduc:

Klamath Riverkeeper is aware Resources Secretary Chrisman has requested a delay of the CEQA process relating to the 401 certification of PacifiCorp dams (see attached). While we have nothing but deep respect for Mr. Chrisman, Klamath Riverkeeper strongly urges the State Water Board to ensure that the 401 certification scoping process on PacifiCorp's dams go forward as planned, without delays. Our members are deeply impacted now by the Klamath River dams' water quality issues, and do not believe another delay is either warranted or strategic at this time.

Klamath Riverkeeper was recently told by Mid-America, the owner of PacifiCorp, that the dam relicensing process may take up to ten more years, and that talk of dam removal is premature. In light of PacifiCorp's past obfuscation of the process to address the dams themselves and their associated impacts on local residents and the environment, this indicates to us that PacifiCorp intends to continue to stall the FERC process and the Klamath settlement process. We thank Secretary Chrisman and the state of California for their deep commitment to dam removal on the Klamath River, and fully support the settlement process and all the work California has put into this process. However, we feel that the 401-certification process moving forward will put much-needed pressure on PacifiCorp to work out a real solution on the Klamath that stalling will not.

We also feel that the yearly extensions of the FERC process, and PacifiCorp's practice of turning in and then rescinding, incomplete 401 applications, further demonstrates their efforts to buy time, and in effect encourages PacifiCorp to operate the dams in a manner that creates more toxic algae and further injures a declining fish population. Furthermore PacifiCorp argues that the state of California has no authority to regulate water quality relating to the reservoirs while the FERC process is occurring. [see <http://www.kgw.com/sharedcontent/APStories/stories/D91BGNJO0.html>] This provides stark evidence of PacifiCorp's lack of intent to mitigate their pollution during the FERC process.

As you are aware, the CEQA process around the 401-certification could take over two years to complete. Therefore we do not feel that this process moving forward will be an obstacle to reaching a dam removal agreement in the meantime. PacifiCorp has been having encouraging talks with settlement parties for several years, and while we fully support these talks, PacifiCorp has made no concessions yet. This is why the formal FERC process must stay on track.



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In closing, Klamath Riverkeeper's members feel that further delay of the CEQA process will hurt, rather than help, the settlement process around the Klamath Dams. We also feel that postponing the 401-certification process will delay a solution to the unacceptable levels of toxic algae that make the Klamath River unusable for many of the summer months, and will delay the settlement process as a whole. If the Board does agree to a delay, we request that it does not last for over one month. We deeply respect your work on this issue and the state of California's commitment to the settlement process, even though we respectfully disagree with Mr. Chrisman's request, and feel that one month is sufficient time to address the immediate issues surrounding Mr. Chrisman's request.

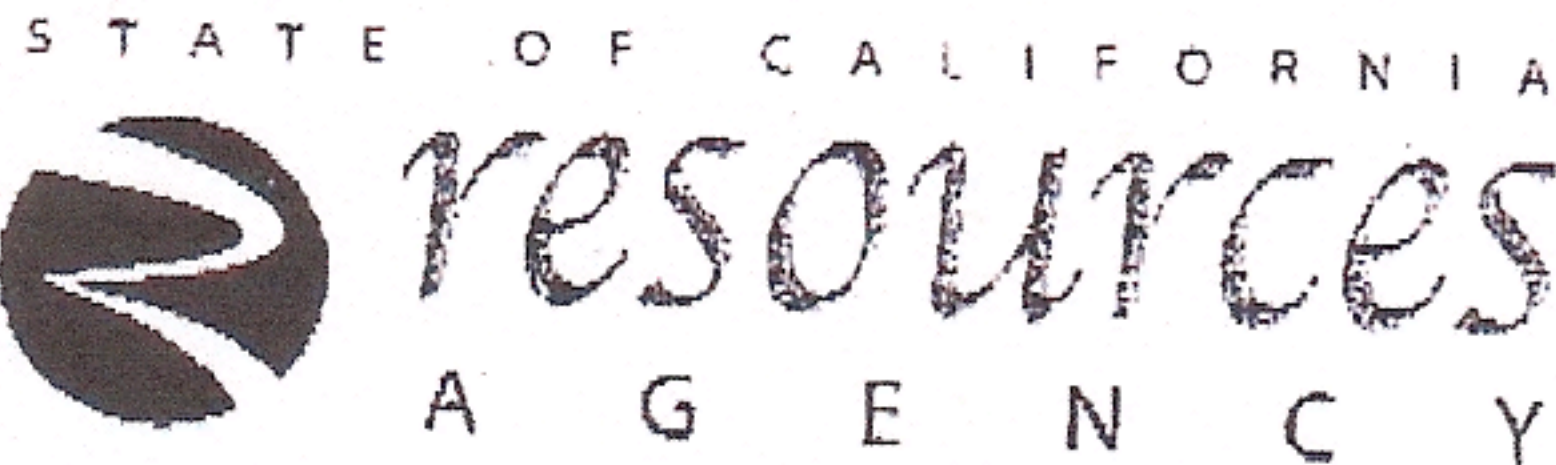
Please let me know if you have any questions relating to this letter.

Thank you,

Regina Chichizola
Klamath Riverkeeper

Linda Sheehan
California Coastkeeper Alliance

Attachment: Letter from Mike Chrisman, Resources Agency to Tam Doduc, SWRCB (June 9, 2008)



ARNOLD SCHWARZENEGGER, Governor
MIKE CHRISMAN, Secretary

June 9, 2008

Tam M. Doduc
Chair
State Water Resources Control board
1001 I. Street
Sacramento, CA 95814

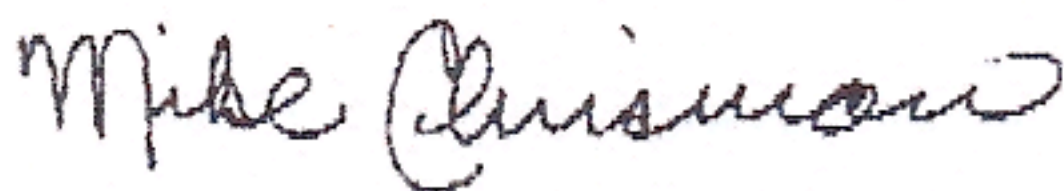
Re: PacifiCorp EIR Scoping Plan

Dear Chairwoman Doduc:

I understand PacifiCorp has filed an application with the Federal Energy Regulatory Commission for a license to continue to operate its dams on the Klamath River, and as part of this process, it is seeking a new Section 401 permit form the State Water Resources Control Board (the "Board.") It is also my understanding that the Board is ready to begin the scoping process in connection with the preparation of an environmental impact report ("EIR") for the project.

The Resources Agency, together with other parties is presently discussing with PacifiCorp the operations of the dams on the Klamath River. These discussions have been useful, and as such, I respectfully request that you temporally postpone issuing the notice of perpetration of the EIR.

Sincerely,



Mike Chrisman
Secretary for Resources

cc: Linda S. Adams
Secretary, California Environmental Protection Agency

Michael Lauffer
Chief Counsel, State Water Resources Control Board