



Hoopa Valley Tribal Council
Land Management Division

Tribal Environmental Protection Agency
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Jennifer Watts, Ph.D.
Environmental Scientist
Water Quality Certification Unit
Division of Water Rights

3/2/2012

Dear Jennifer,

As the Executive Director of the Hoopa Tribal Environmental Protection Agency (TEPA), I would like to strongly recommend that the State Water Resources Control Board restart your 401 Certification process pursuant to the relicensing of the Klamath Hydroelectric Project (KHP). The Hoopa Tribe was very appreciative that Chairman Charles Hoppin made it clear at the meeting of August 18, 2011 that you would restart your 401 Certification instead of holding it up subject to the Klamath Hydropower Settlement Agreement (KHSA).

As you are probably well aware, there is no prospect for authorizing legislation and the Secretary of Interior's Decision on dam removal and implementation of the Klamath Settlement will not be issued. The Klamath River annually has toxic algae that comes from KHP reservoirs and causes pollution through the Hoopa Square and all the way to the estuary. Your agency's own record indicates that this condition cannot be remedied except by dam removal.

You more than likely know that the Federal Energy Regulatory Commission sent a short letter into the record of the DEIS/DEIR on the Secretarial dam removal process that said relicensing of KHP dams is still on-going and that FERC was awaiting 401 Certification from the State. It is time that you acted before the State loses its authority due to neglect.

Furthermore, we far prefer that dam removal happen through the FERC process and not implement the Klamath Basin Restoration Agreement (KBRA). I am attaching a paper commissioned by Hoopa TEPA that shows that the KHSA and KBRA would not remediate Klamath River water quality problems on the Hoopa Square. This is also a finding of the DEIS/DEIR. The Hoopa Valley Tribe has water quality authority recognized by the U.S. EPA and our water quality standards (www.hoopa-nsn.gov/documents/WQCP.pdf) have standing in the 401 Certification process. We look forward to working with you.

Sincerely,

Ken Norton
Hoopa TEPA