

February 17, 2009

BY HAND DELIVERY

Dorothy R. Rice
Executive Director,
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

Re: Notice of Preparation and of Scoping Meetings for an Environmental Impact Report for 401 Water Quality Certification of the Klamath Hydroelectric Project (September 30, 2008) – Request for Extension of Public Comment Period

Dear Ms. Rice:

We write to request that the State Water Resources Control Board (SWRCB) further extend the deadline to submit California Environmental Quality Act (CEQA) scoping comments in the above matter, until July 15, 2009, in order to facilitate continued development of Interim Measures and a Final Agreement consistent with the Agreement in Principle (AIP) in this matter. We further request that the SWRCB accept the attached Progress Report to the SWRCB on Development of Interim Conditions and Water Quality and Fisheries Measures.

On November 12, 2008, the United States, the Governors of the States of California and Oregon, and PacifiCorp executed this AIP. This AIP establishes a framework for resolution of litigation and other controversies related to the Project. Specifically, it establishes an approach to possible dam removal in a manner that would advance the public interest in water resources and fisheries of the Klamath Basin, protect the best interests of PacifiCorp's customers, and prevent or minimize any adverse impacts on affected communities, businesses, and properties.

The AIP commits PacifiCorp to a number of Interim Conditions. In cooperation with stakeholders and AIP signatories, PacifiCorp has made significant progress towards refinement and implementation of the initial set of Interim Measures, and has begun work to elaborate the additional Interim Measures called for upon signing of the Final Agreement. These Interim Measures will address many of the issues to be analyzed in the California water quality certification process and the related CEQA process.

The AIP also directs the signatories to develop a Final Agreement. The Final Agreement will specify the substantive rights, obligations, procedures, schedules, and other actions which will implement the approach to dam removal described in the AIP. Timely development of the Final Agreement will require substantial and focused effort by the AIP signatories and supporting members of the Klamath Settlement Group. Concurrently advancing litigation positions in response to the CEQA Notice of Preparation (NOP) would directly conflict with that fundamental objective.

We respectfully request that the Board extend the deadline for comment on the NOP until July 15, 2009. We further request that the Board hold a status conference on May 5, 2009 to receive a progress report on the Final Agreement and to consider appropriate further procedures. This schedule will permit the AIP signatories and supporting KSG members to focus the time and effort necessary for the development of Interim Measures and the Final Agreement. It will also permit the incoming federal Administration to participate in the consideration of further procedures in this certification and the related relicensing proceedings.

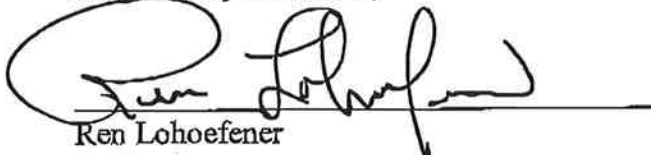
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This is an urgent request, given that the deadline for public comment on the NOP is currently held in abeyance until Monday, February 23. We respectfully request that the Board decide this request by Friday, February 20 and issue concurrent public notice. We are very grateful for your consideration of this request.

Please contact Richard Roos-Collins (415-693-3000 x103) or Dean Brockbank (801-220-4568) if you have any questions about this request.

Respectfully submitted,



Ren Lohofener
Regional Director, Pacific Southwest
Fish and Wildlife Service
U.S. Department of the Interior

Rodney R. McInnis
Regional Administrator, Southwest Region
NOAA's National Marine Fisheries Service
U.S. Department of Commerce

Troy Fletcher
Representative
Yurok Tribe

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California Director and Senior Attorney
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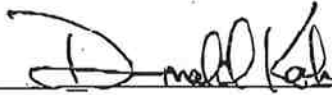
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 Director
 California Department of Fish and Game

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 Marianna Aue, Office of Chief Counsel
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