



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

May 24, 2012

Mr. David Scott
Vice President for Conservation
Member, Board of Directors
Sierra Club
50 F Street, NW
Washington, DC 20001

Dear Mr. Scott:

RESPONSE TO THE SIERRA CLUB'S COMMENTS ON THE KLAMATH HYDROELECTRIC PROJECT (FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2082), CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

Thank you for your letter dated May 1, 2012, regarding the State Water Resources Control Board's (State Water Board) Clean Water Act Section 401 Water Quality Certification (Water Quality Certification) process for the Klamath Hydroelectric Project (KHP), Federal Energy Regulatory Commission (FERC) Project No. 2082. Your letter expresses the Sierra Club's concerns regarding the Klamath Hydroelectric Settlement Agreement (KHSA) and the current status of the KHP's Water Quality Certification. Specifically, you request that the State Water Board consider taking immediate action to support improved water quality in the Klamath River and restart the Water Quality Certification process.

As you are aware, the State Water Board originally adopted Resolution No. 2010-0024 in May 2010 in response to requests made by signatories to the KHSA. Resolution No. 2010-0024 placed the Water Quality Certification process for the KHP in abeyance to facilitate actions required by the KHSA. Resolution No. 2010-0024 contains specific triggers that would lift the abeyance. Amendments to Resolution No. 2010-0024 were adopted in October 2010 and August 2011 to refine the triggers that would cause the abeyance to lift. Under the resolution as amended, the lack of a Secretarial Determination by April 30 of this year would cause the abeyance to lift after ninety days (i.e., July 29, 2012). State Water Board staff and management are tracking the progress being made pursuant to the KHSA. As provided for in Resolution No. 2010-0024, the State Water Board may revisit or change the resolution at any time during a public meeting after due notice to PacifiCorp, the owner of the KHP, and other parties to the KHSA. In addition, on May 17, 2012, the Chair of the State

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

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Water Board received a letter from the Chairman of the Karuk Tribe, on behalf of the KHSA settlement parties, requesting an opportunity to advocate for the continuance of the abeyance at an upcoming Board meeting. State Water Board staff plan to present an item for State Water Board consideration, regarding the KHP's Water Quality Certification process, at its July 17, 2012 meeting.

If you have questions regarding this letter, please contact Ms. Jennifer Watts, Ph. D. at (916) 341-5397 or by email to: jwatts@waterboards.ca.gov. Written correspondences or inquiries should be addressed to: State Water Resources Control Board, Division of Water Rights, Attn: Jennifer Watts, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,



Caren Trgovcich
Chief Deputy Director

ec: Mr. Matthias St. John
Executive Officer
North Coast Regional Water Quality Control Board
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Santa Rosa, CA 95403