



825 NE Multnomah, Suite 1500
Portland, Oregon 97232

September 24, 2010

Via Electronic Filing

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Subject: Resubmittal of Section 401 Water Quality Certification Application in California, Klamath Hydroelectric Project (FERC Project No. 2082)

Dear Ms. Bose:

By letter dated August 25, 2010, PacifiCorp Energy withdrew and resubmitted its section 401 water quality certification application for the Klamath Hydroelectric Project with the California State Water Resources Control Board. Enclosed is a copy of the cover letter that PacifiCorp Energy sent with the application, and a letter from the California State Water Resources Control Board ("SWRCB"), dated September 23, 2010, which confirms the SWRCB's receipt and acceptance of the application. We respectfully request that they be included in the record for this project. If there are questions or comments, please contact me at (503) 813-6170.

Sincerely,

A handwritten signature in blue ink that reads "Tim Hemstreet".

Tim Hemstreet
Klamath Licensing Manager

TH:anp

Enclosures:

1. Letter from Jennifer Watts, California State Water Resources Control Board
2. Copy of the section 401 water quality resubmittal cover letter

cc: John Mudre, FERC (with enclosures)



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Rights

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 Fax: 916.341.5400 ♦ www.waterboards.ca.gov/waterrights



Arnold Schwarzenegger
Governor

SEP 23 2010

Mr. Tim Hemstreet
 PacifiCorp
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Dear Mr. Hemstreet:

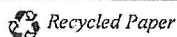
REQUEST FOR WATER QUALITY CERTIFICATION FOR THE KLAMATH HYDROELECTRIC PROJECT, FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2082, SISKIYOU COUNTY

Thank you for your August 25, 2010 letter that withdraws and resubmits the water quality certification application, pursuant to section 401 (a)(1) of the Federal Clean Water Act for PacifiCorp's Klamath Hydroelectric Project (Project), Federal Energy Regulatory Commission (Commission) Project No. 2082. Prior to Commission issuance of a new license, a water quality certification will be required (33 U.S.C. § 1341(a)(1)). PacifiCorp's letter initiates a one-year time clock from the date received for the State Water Resources Control Board (State Water Board) to act on the request for water quality certification. However, as stipulated in the Klamath Hydroelectric Settlement Agreement (KHSAs), PacifiCorp had requested that the water quality certification process be held in abeyance during the interim period as described in the KHSAs. On May 18, 2010, the State Water Board granted PacifiCorp's request when it adopted Resolution No. 2010-0024. Due to conditions contained in that resolution regarding the introduction of federal legislation contemplated under the KHSAs that would cause the abeyance to be lifted, the abeyance lifted on September 16, 2010. PacifiCorp has requested that Resolution No. 2010-0024 be modified and that the abeyance be reinstated. This matter will be considered by the State Water Board at its October 5, 2010 public meeting.

PacifiCorp will be subject to annual fees as specified in California Code of Regulations, title 23 (Cal. Code Regs. tit. 23), section 3833(b)(1). The application for water quality certification, together with the Commission license application and other documents from the Commission files that are incorporated by reference in the certification application, meet the application filing requirements specified in Cal. Code Regs., tit. 23, section 3856. A complete application for water quality certification must include a description of any steps that have been, or will be taken to avoid, minimize, or compensate for loss of, or significant adverse impacts to beneficial uses of water. (Cal. Code Regs. tit. 23, §3856(h)(6).) We may request additional information to clarify, amplify, correct, or otherwise supplement the contents of the application. Supplemental information may include evidence of compliance with the water quality control plan. (Cal. Code Regs. tit. 23, §3836.)

State Water Board staff appreciates the cooperation of PacifiCorp and looks forward to working with you on this project. Should you have questions regarding this letter please contact me at (916) 341-5397 or at: jwatts@waterboards.ca.gov.

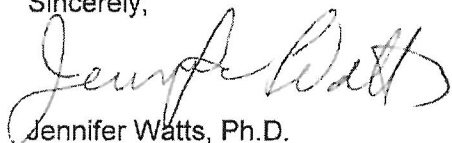
California Environmental Protection Agency



Mr. Tim Hemstreet
PacifiCorp Energy

- 2 -

Sincerely,



Jennifer Watts, Ph.D.
Environmental Scientist
Water Quality Certification Unit

cc: Ms. Kimberly D. Bose, Secretary
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Mr. Timothy Welch
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Ms. Catherine Kuhlman
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825 NE Multnomah, Suite 1500
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August 25, 2010

Via Electronic Mail Only

Mr. Thomas Howard
Executive Director
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814

Subject: Withdrawal and Resubmittal of Section 401 Water Quality Certification for PacifiCorp Energy's Klamath Hydroelectric Project (FERC No. 2082), Siskiyou County

Dear Mr. Howard:

In February 2004, PacifiCorp (now PacifiCorp Energy) applied to the Federal Energy Regulatory Commission for a new major license for its Klamath Hydroelectric Project (Project) on the Klamath River in California and Oregon. In conjunction with that application, PacifiCorp Energy on March 29, 2006, requested that the State Water Resources Control Board (SWRCB) certify the California portions of the Project pursuant to section 401 of the federal Clean Water Act (33 USC § 1341, California Water Code § 13160, and 23 C.C.R. Chpt. 28). This request was withdrawn and simultaneously resubmitted to the SWRCB on February 28, 2007, and again on February 22, 2008. More recently, on July 11, 2008, PacifiCorp withdrew its application to facilitate settlement negotiations for a long-term settlement of the project. By letters dated August 22, 2008 and September 22, 2008, the SWRCB requested that PacifiCorp resubmit its application for water quality certification so that the certification process could continue. The application was resubmitted to the SWRCB on September 26, 2008.

Subsequently, the application was withdrawn and simultaneously resubmitted to the SWRCB on September 10, 2009. In a response letter dated September 16, 2009, the SWRCB recognized that the letter initiated a one-year time clock from the date received for the SWRCB to act on the request for water quality certification. The SWRCB adopted a resolution on May 18, 2010 to hold in abeyance PacifiCorp's application, and the resolution requires PacifiCorp to withdraw and resubmit an application at least two weeks before the one-year anniversary of a prior year's submittal in order to continue the abeyance.

Accordingly, PacifiCorp Energy hereby withdraws and resubmits, as of the date of this letter, its request for certification of the California portions of the Project pursuant to section 401. The resubmitted application is identical to the application that was resubmitted on September 26, 2008, and is being resubmitted electronically.

Mr. Thomas Howard
August 25, 2010
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Please acknowledge receipt of this letter and confirm acceptance of the application.

Pursuant to applicable statutes and regulations, PacifiCorp Energy is providing notice of the resubmitted application to the Executive Officer of the North Coast Regional Water Quality Control Board, via copy of this letter.

If you have any questions on the application, please feel free to contact me at (503) 813-6170.

Sincerely,



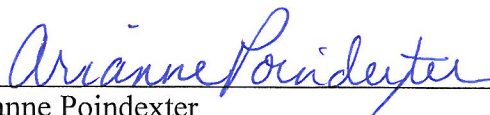
Tim Hemstreet
Klamath Licensing Manager

cc: Ms. Catherine Kuhlman, NCRWQCB
Ms. Jennifer Watts, SWRCB
Ms. Marianna Aue, SWRCB
Mr. Robert Donlan, Ellison, Schneider & Harris

CERTIFICATE OF SERVICE

I hereby certify that on September 24th, I served true copies of the foregoing PacifiCorp's "Resubmittal of Section 401 Water Quality Certification Application in California" for the Klamath Hydroelectric Project on FERC Docket No. 2082 by first-class mail or electronic mail to each person designated on the FERC website service list as of today's date in this proceeding.

Dated this 24th day of September, 2010 at Portland, Oregon.



Arianne Poindexter
Project Coordinator
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Document Content(s)

2010.09.24 PC_FERC Resubmittal CA 401.PDF.....1-10