



Pacific Power |
 Rocky Mountain Power
 825 NE Multnomah, Suite 1500
 Portland, OR 97232

Electronically filed June 24, 2016

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

**Subject: Withdrawal of Section 401 Water Quality Certification Applications
 in Oregon and California, Klamath Hydroelectric Project
 (FERC Project No. 2082)**

Dear Ms. Bose,

By letters dated and emailed June 23, 2016, PacifiCorp withdrew its requests to the California State Water Resources Control Board and Oregon Department of Environmental Quality for section 401 water quality certification of the Klamath Hydroelectric Project. Enclosed are these letters, which we respectfully request be included in the record for this project.

This letter and its enclosures have been filed electronically. The security classification of each component in this packet is shown in the Enclosure list below. Copies have also been transmitted to those cited below. If you have any questions concerning these documents, please contact Tim Hemstreet at 503-813-6170.

Sincerely,

Mark A. Sturtevant
 Managing Director, Hydro Resources

MAS: TH:BB

Encl:	Letter – Public
	California State Water Resources Control Board 401 Withdrawal Letter – Public
	Oregon Department of Environmental Quality 401 Withdrawal Letter – Public

eFile:	Kimberly D. Bose, Secretary Via eLibrary at www.ferc.gov	hc:	John Mudre, FERC
hc:	FERC Service List	e-Mail:	FERC eService List



Pacific Power |
Rocky Mountain Power
825 NE Multnomah, Suite 1500
Portland, OR 97232

SENT VIA E-MAIL

June 23, 2016

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

Subject: Withdrawal of Section 401 Water Quality Certification Application for PacifiCorp's Klamath Hydroelectric Project (FERC No. P-2082)

Dear Mr. Howard:

In February 2004, PacifiCorp applied to the Federal Energy Regulatory Commission (FERC) for a new major license for its Klamath Hydroelectric Project (Project) on the Klamath River in California and Oregon. In conjunction with that application, on March 29, 2006, PacifiCorp requested that the State Water Resources Control Board (SWRCB) certify the California portions of the Project under section 401 of the federal Clean Water Act (33 USC § 1341, California Water Code § 13160, and 23 C.C.R. Chpt. 28).

Under section 401, if a state does not act on a request for certification within a reasonable time, not to exceed one year, the certification requirement is waived. To allow the SWRCB time to consider PacifiCorp's certification request for the Project, PacifiCorp withdrew and simultaneously resubmitted its request on February 28, 2007, and again on February 22, 2008. On July 11, 2008, PacifiCorp withdrew its request to facilitate negotiations for a long-term settlement of the Project relicensing proceeding. By letters dated August 22, 2008, and September 22, 2008, the SWRCB asked PacifiCorp to resubmit its application for water quality certification so that the certification process could continue. PacifiCorp resubmitted the application to the SWRCB on September 26, 2008.

PacifiCorp again withdrew and simultaneously resubmitted the application on September 10, 2009, August 25, 2010, August 3, 2011, July 17, 2012, December 18, 2012, December 2, 2013, November 24, 2014, and November 10, 2015.

On February 18, 2010, PacifiCorp entered into the Klamath Hydroelectric Settlement Agreement (KHSA) with the states of California and Oregon, the United States, Tribes, and various other stakeholders. The KHSA established a process for removing the four main stem hydroelectric dams on the Klamath River (J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate). On April 6, 2016, PacifiCorp, the states of California and Oregon, the United States and other stakeholders amended the KHSA. The amended KHSA provides for transfer of the Project to the Klamath

Mr. Thomas Howard
June 23, 2016
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River Renewal Corporation (KRRC) and subsequent license surrender by the KRRC, subject to FERC approval.

Consistent with the amended KHSA's terms, PacifiCorp filed a motion on May 6, 2016 asking FERC to hold the relicensing proceeding in abeyance pending FERC's determination on the license transfer and surrender applications. On May 23, 2016, the SWRCB submitted a timely answer supporting the motion on the grounds that the SWRCB would continue to expend resources processing PacifiCorp's water quality certification application in the absence of a FERC abeyance. On June 16, 2016, FERC issued an order (155 FERC ¶ 61,271) granting PacifiCorp's motion and holding the relicensing proceeding in abeyance.

With the relicensing proceeding in abeyance, and consistent with Section 6.5.2 of the amended KHSA, PacifiCorp hereby formally withdraws its request for water quality certification dated November 10, 2015. PacifiCorp's withdrawal of its application is consistent with FERC regulations, FERC's abeyance order (155 FERC ¶ 61,271), and without prejudice to PacifiCorp's right to file a new application for water quality certification should circumstances change in the future. In particular, should FERC reactivate the relicensing proceeding, PacifiCorp will timely submit a new request for water quality certification of the Project.

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

If you have any questions regarding withdrawal of the request for water quality certification for the Project, please contact me at (503) 813-6170.

Sincerely,



Tim Hemstreet, P.E.
Project Manager

cc: Mr. Matt St. John (NCRWQCB)
Ms. Erin Ragazzi (SWRCB)
Mr. Parker Thaler (SWRCB)



Pacific Power |
Rocky Mountain Power
825 NE Multnomah, Suite 1500
Portland, OR 97232

SENT VIA E-MAIL

June 23, 2016

Mr. Christopher Stine, P.E.
Oregon Department of Environmental Quality
165 East 7th Avenue, Suite 100
Eugene, OR 97401

Subject: Withdrawal of Section 401 Water Quality Certification Application for PacifiCorp's Klamath Hydroelectric Project (FERC Project No. P-2082)

Dear Mr. Stine:

In February 2004, PacifiCorp applied to the Federal Energy Regulatory Commission (FERC) for a new major license for PacifiCorp's Klamath Hydroelectric Project. In conjunction with that application, on March 29, 2006, PacifiCorp requested that the Department of Environmental Quality (DEQ) certify the Oregon portions of the project pursuant to section 401 of the federal Clean Water Act (CWA).

Under section 401, if a State does not act on a request for certification within a reasonable time, not to exceed one year, the certification requirement is waived. In order to allow DEQ additional time to consider the certification request for the Project, PacifiCorp withdrew and simultaneously resubmitted the request in letters dated February 28, 2007, February 21, 2008, February 6, 2009, January 20, 2010, January 10, 2011, January 3, 2012, December 18, 2012, December 2, 2013, November 24, 2014, and November 10, 2015.

On February 18, 2010, PacifiCorp entered into the Klamath Hydroelectric Settlement Agreement (KHSA) with the states of Oregon and California, the United States, Tribes, and various other stakeholders. The KHSA established a process for removing the four main stem hydroelectric dams on the Klamath River (J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate). On April 6, 2016, PacifiCorp, the states of Oregon and California, the United States and other stakeholders amended the KHSA. The amended KHSA provides for transfer of the Project to the Klamath River Renewal Corporation (KRRC) and subsequent license surrender by the KRRC, subject to FERC approval.

Consistent with the amended KHSA's terms, PacifiCorp filed a motion on May 6, 2016 asking FERC to hold the relicensing proceeding in abeyance pending FERC's determination on the license transfer and surrender applications. On June 16, 2016, FERC issued an order (155 FERC ¶ 61,271) granting PacifiCorp's motion and holding the relicensing proceeding in abeyance.

With the relicensing proceeding in abeyance, and consistent with Section 6.5.2 of the amended KHSA, PacifiCorp hereby withdraws its request for water quality certification dated

Mr. Christopher Stine, P.E.
June 23, 2016
Page 2

November 10, 2015. PacifiCorp's withdrawal of its application is consistent with FERC regulations, FERC's abeyance order (155 FERC ¶ 61,271), and without prejudice to PacifiCorp's right to file a new application for water quality certification should circumstances change in the future. In particular, should FERC reactivate the relicensing proceeding, PacifiCorp will timely submit a new request for water quality certification of the Project.

If you have any questions regarding withdrawal of the request for water quality certification for the Project, please contact me at (503) 813-6170.

Sincerely,

A handwritten signature in blue ink that reads "Tim Hemstreet". The signature is written in a cursive, flowing style.

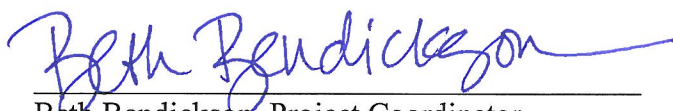
Tim Hemstreet, P.E.
Project Manager

cc: Mr. Jesse Ratcliffe, Oregon Department of Justice
Ms. Marilyn Fonseca, Oregon Department of Environmental Quality

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, by U.S. first class mail or electronic mail, the foregoing document, *Withdrawal of Section 401 Water Quality Certification Applications in Oregon and California, Klamath Hydroelectric Project (FERC Project No. 2082)*, submitted to the Federal Energy Regulatory Commission, upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 24th day of June, 2016 at Portland, Oregon.



Beth Bendickson, Project Coordinator
PacifiCorp
825 NE Multnomah, Suite 1500
Portland, OR 97232

Document Content(s)

Klamath-Withdrawal-401-Cert-Appl.PDF.....1-6