



# FRIENDS OF THE RIVER

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Mr. Parker Thaler  
State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000

January 27, 2016

**Subject: Notice of Preparation of an Environmental Impact Report for the Klamath Hydroelectric Project Relicensing Water Quality Certification.**

Friends of the River welcomed the opportunity to provide oral comments in the January 14, 2016, Sacramento hearing in response to the State Water Resources Control Board's (Board) Notice of Preparation for its Environmental Impact Report for the Klamath Hydroelectric Project water quality certification under section 401 of the Clean Water Act. These written comments are intended to supplement our remarks.

We express our thanks that the Board has begun to undertake its water quality review of PacifiCorp's Klamath Hydroelectric Project currently undergoing its Federal Energy Regulatory Commission (FERC) relicensing review—an action that we have been urging the Board to undertake for the last half decade. We appreciate the apparent support at the Sacramento hearing for undertaking the water quality certification from important parties that signed the 2010 settlement agreement.

Friends of the River was (and, hopefully, still will be) a participant in relicensing proceedings thus far, as well as the settlement discussions. We were not a settling party because of our belief that Congress would not authorize the settlement(s) and provide the Secretary of the Interior the authority to assume responsibility from FERC for the dams and their removal. Our perspective has, so far, proven accurate. As you know, the Board has little authority to ensure compliance with state water quality objectives outside of major FERC proceedings—which may come at intervals as infrequent as twice per century.

Obviously, the time to do so is now.

As the Board notice recognizes, considerable work has been accomplished by the state and federal governments in developing a dam removal that could better meet water quality objectives and materially improve the Klamath River fishery. We feel confident that the Board will avail itself of these resources. Financial mechanisms to fund the removal of Iron Gate, Copco 1 & 2, and J.C. Boyle dams have been put in place by the Oregon and California Public Utility Commissions and voters in California. The licensee (PacifiCorp), the states of California and Oregon, federal agencies, tribes, and other organizations within and outside of the watershed have endorsed the removal of these dams. So has Friends of the River. The continued operation of these dams is unlikely to meet water quality standards.

Thus we request that the Board develop one or more dam removal alternatives consistent in broad terms with this consensus. We encourage the Board to work with water quality certification officials in Oregon to achieve such an alternative for facilities in Oregon that are part of this project. By doing so, the long-delayed FERC proceeding can resume with a new heading and real chances of reaching a destination.

We appreciate the willingness of Board staff to answer questions at the Sacramento hearing and were pleased to learn that they expect the draft EIR to appear in 2016 and the final EIR in 2017. In light of the serious water quality, public health, and fishery problems discussed in the Board notice, an expeditious Board proceeding and productive outcome is warranted. We hope that the Board can achieve both.

Sincerely,



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