
State Water Resources Control Board

MAR 29 2012

Mr. Ken Norton
Hoopa Valley Tribal Council, Land Management Division
Tribal Environmental Protection Agency
P.O. Box 1348
Hoopa, CA 95546

Dear Mr. Norton:

RESPONSE TO HOOPA VALLEY TRIBAL COUNCIL'S COMMENTS ON KLAMATH HYDROELECTRIC PROJECT (FERC NO. 2082), CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

Thank you for your letter dated March 2, 2012, providing recommendations related to 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 Project No. 2082. Your letter expresses the Hoopa Valley Tribal Council's concerns regarding current water quality conditions in the Klamath River and the status of the KHP's Water Quality Certification.

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 Klamath Hydroelectric Settlement Agreement (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.

If you have questions regarding this letter, please contact me 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,
ORIGINAL SIGNED BY:

Jennifer Watts
Staff Environmental Scientist

ec: Ms. Catherine Kuhlman
Executive Officer
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