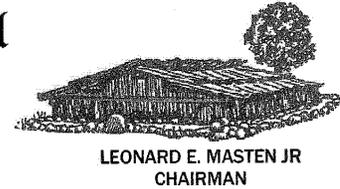




## Hoopa Valley Tribal Council

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LEONARD E. MASTEN JR  
CHAIRMAN

July 9, 2012

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814



Re: July 17, 2012 Agenda Item No. 11 – Proposed Resolution Regarding  
the Section 401 Water Quality Certification Application for the Klamath  
Hydroelectric Project

Dear Ms. Townsend:

The Board's agenda includes a request by PacifiCorp and its supporters to again delay work on the Section 401 Water Quality Certification. The Hoopa Valley Tribe, a State downstream of the PacifiCorp unpermitted discharge, asks that you deny that request and finally bring the Klamath River into compliance with the water quality standards of the State of California and those of the Hoopa Valley Tribe.

Four nearly four years we have been asking the Board to end the delays on this Section 401 application (which was first submitted in 2006):

1. Letter of Hoopa Valley Tribal Council to State Water Resources Control Board to resume preparation of an Environmental Impact Report (December 3, 2008);
2. Hoopa Valley Tribal Council's Briefing Paper for State Water Board on need for Klamath Project Water Quality Certification (February 11, 2009);
3. Hoopa Valley Tribe's attorney's letter to State Water Board enclosing Klamath Hydroelectric Project EIR Scoping Comments of Hoopa Valley Tribe (February 23, 2009);
4. Hoopa Valley Tribal Council Chairman letter to State Water Board noting alarmingly poor water quality in the Klamath River and asking the status of the draft CEQA EIR (June 1, 2009);
5. Hoopa Valley Tribal Council comments requesting that the State Water Board refuse PacifiCorp's request to hold in abeyance a Section 401 permit application (May 11, 2010);



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6. Letter of Hoopa Valley Tribal Council Chairman to State Water Board Chairman urging resumed processing of PacifiCorp's application for water quality certification in light of the absence of required federal legislation (September 7, 2010);
7. Letter of Hoopa Valley Tribal Council Chairman to State Water Board Chairman urging disapproval of further abeyance in addressing water quality (September 24, 2010);
8. Letter of Hoopa Valley Tribal Council Chairman to State Water Board re request to take action on application for Klamath Hydroelectric Project because PacifiCorp is not diligently pursuing a water quality certification (April 13, 2011);
9. Letter of Hoopa Tribal Environmental Protection Agency to State Water Board staff urging action on Section 401 certification (March 2, 2012);
10. Letter of Hoopa Valley Tribal Council Chairman to State Water Board urging action on Section 401 certification (April 5, 2012).

Please let us know if copies of our detailed earlier requests would assist you. The time to close the comment period on scoping for the CEQA EIR is long overdue. It is past time to publish your draft EIR, make a final decision, and issue a Section 401 certification with appropriate conditions.

Sincerely,

HOOPA VALLEY TRIBAL COUNCIL

*s/ Leonard E. Masten, Jr.*

Leonard E. Masten, Jr., Chairman