

The Klamath Tribes Tribal Council

February 13, 2009

State of California
Water Resources Control Board
PO Box 2000
Sacramento, California 95812-2000

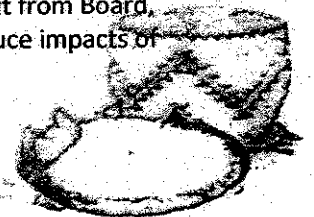
Dear Board Members:

The Klamath Tribes respectfully request that the Board delay the scoping process for 401 certification of the Klamath Hydroelectric Project. We have been deeply engaged in the long-term conflicts on the Klamath River, and over the past years have dedicated ourselves to forging collaborative agreements to resolve these conflicts. In our strong view, degraded aquatic ecosystems have been at the root of the ongoing, multiple Klamath crises. We have embraced the collaborative settlement process because it alone offers the kind of comprehensive approach that can address the many causes of water quality (and other) problems in the Klamath River.

The Klamath Tribes have dwelt in the upper portion of the Klamath River drainage in California and Oregon for millennia. Until the construction of Copco 1 Dam in 1917 extirpated the anadromous runs to the Upper Klamath, the Klamath Tribes relied on steelhead and Chinook salmon runs as important components of tribal culture and subsistence. Since that time, we have worked unceasingly to return anadromous salmonids to the Upper Klamath Basin. Much of our work has focused on developing a firm scientific basis for restoring anadromous fish above Iron Gate Dam, and addressing the many environmental problems associated with the Klamath Hydroelectric Project and other upstream sources. Ranging from thorough analyses of the thermal impacts on Klamath River salmon and steelhead of keeping or removing the Project dams, to salmon and steelhead reintroduction planning, to quantifying the hydrological results of settlement, we have brought science to bear on these issues, and believe strongly that the proposed settlements are the best management approaches for the future of the Klamath River.

Perhaps the single most important thing about settlement that we wish the Board to fully appreciate is this: **the environmental benefits that will flow from successful settlement are much greater than any other process could deliver.** The Klamath Basin Restoration Agreement (KBRA) will provide a massive, basin-wide fisheries restoration program that will improve fish habitat and water quality, a major re-introduction program to return anadromous fish throughout their native ranges above Iron Gate Dam, and equitable water management programs that will improve flows in the Klamath River. The Agreement in Principle pursuant to a Final Hydropower Agreement targets removal of the lower four dams on the Klamath River, and lays out a clear, presumptive pathway to achieve that end. Furthermore, it establishes a framework of interim measures that we believe, with input from Board, can be developed into measures to be implemented prior to dam removal that will reduce impacts of the hydro project on beneficial uses.

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The magnitude, geographic extent, and ecological effectiveness of dam removal coupled with major restoration programs simply dwarf anything that could emerge from the California 401 certification process. In our view, proceeding with this regulatory process at this instant in time would negatively affect ongoing settlement efforts – it does not help collaborative settlement efforts when parties have to simultaneously engage in serious conflict. We ask for nothing more than a delay in the scoping process. Doing so brings little risk to the ecological health of the Klamath River, while maintaining the momentum of ongoing efforts to finalize comprehensive settlement of many issues that have plagued the Klamath River for many years. If settlement efforts fail, then this (and other) regulatory processes that have slowed to accommodate settlement efforts can re-engage.

Settlement is not yet complete, and skeptics and opponents of settlement continue to say that it will fail. Instead of settlement, they offer endless litigation that can at best provide a fraction of the ecological benefits that will flow from the comprehensive, basin-wide settlement outcomes encompassed by the KBRA and the soon-to-be-completed Final Hydropower Agreement. Again and again, settlement parties have proven the skeptics wrong, accomplishing amazing things that were thought to be impossible. And now, as the Board considers what action to take, the Klamath Tribes want you to hear us – we can do this thing. Give the parties room to work, grant a stay in the scoping process, and prepare for something great to emerge.

Sincerely,

Joe Hobbs FOR

Joe Kirk,
Chairman