



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
Fax: 916.341.5400 ♦ www.waterrights.ca.gov

Arnold Schwarzenegger
Governor

JUN 26 2008

Mr. Kirk E. Miller
Deputy Secretary and General Counsel
Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

REQUEST TO POSTPONE ISSUANCE OF NOTICE OF PREPARATION

Dear Mr. Miller:

The State Water Resources Control Board (State Water Board or Board) has received your request of June 24, 2008, that the Board postpone issuance of a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for water quality certification for the Klamath Hydroelectric Project until July 11, 2008. State Water Board Executive Director Dorothy Rice has asked me to respond to your request.

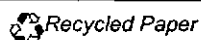
Based on Secretary Chrisman's earlier letter of June 9, 2008, it appears that Resources Agency believes that earlier issuance of the NOP could interfere with useful negotiations with the 401 certification applicant, PacifiCorp.

The State Water Board has also received requests from the Karuk Tribe, Friends of the River, and Klamath Riverkeeper that the Board not postpone issuance of the NOP, out of concern that a delay could: (1) harm settlement negotiations; (2) allow water quality problems on the Klamath River to continue unaddressed; and (3) inappropriately conflate the 401 certification and settlement processes.

The State Water Board team working on PacifiCorp's request for 401 water quality certification is not involved in settlement negotiations. This makes it difficult to evaluate the impact of delay on negotiations. The State Water Board will, however, grant this request for delay because the Resources Agency's request is for a short period and the State Water Board does not want to interfere with productive negotiations between parties. Any NOP we send out before a settlement is agreed upon will include consideration of results of the settlement negotiations anticipated by staff. A settlement in the coming weeks could, however, change the breadth of alternatives it is reasonable to study.

The State Water Board will issue the NOP on Saturday, July 12, 2008. On July 22, the State Water Board will hold the first public scoping meeting for the EIR at the California Environmental Protection Agency Building, Sierra Hearing Room, 1001 I Street, Sacramento, CA 95814. We hope to be able to schedule additional scoping meetings in Klamath, Orleans,

California Environmental Protection Agency



JUN 26 2008

and Yreka, and to have these plans solidified in time to announce them when we issue the NOP. We also want to ensure that Resources Agency and other interested parties know about the Sacramento meeting date with sufficient time to plan attendance.

Sincerely,



Les Grober, Manager
Hearings and Special Programs Section

cc: Kimberly D. Bose
Secretary, Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Earl Crosby, Director
Karuk Tribe
P.O. Box 1016
Happy Camp, CA 96039

FERC filing list for Project 2082.

Craig Tucker, Karuk Tribe, ctucker@karuk.us

Regina Chichizola, Klamath Riverkeeper, regina@klamathriver.org

Linda Sheehan, California Coastkeeper Alliance, lsheehan@cacoastkeeper.org

Kelly Calett, Friends of the River, Kelly@friendsoftheriver.org

Tom Hagler, U.S. EPA, Region IX, Hagler.Tom@epamail.epa.gov

Ken Fetcho, Karuk Tribe, kfetcho@yuroktribe.nsn.us