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Coalition Calls on California Regulators to Enforce Clean Water Standards

Saying the Klamath can't wait, groups ask Water Board to halt delays in PacifiCorp relicensing

Arcata, CA—As the California State Water Resources Control Board prepares to meet next week in Sacramento, conservation groups concerned with Klamath River water quality sent a letter to the board today urging an end to the ongoing delay in Clean Water Act certification for Klamath dams. Four dams owned by utility company PacifiCorp have operated under annual license extensions since their 50-year license expired in March 2006. In that time, the State of California has failed to process a Section 401 certification application that would require PacifiCorp to meet certain water quality standards under the auspices of the federal Clean Water Act.

“Our request today is quite simple – treat PacifiCorp’s dams like any other dam in California and ensure that they clean up the water flowing out of their facilities before they can make another dime off the Klamath River,” said Ani Kame'enui with Oregon Wild, a leading advocate for restoring the Klamath Basin’s river and wetland ecosystems.

“We need to get the dams out of the river, and it needs to happen now,” said Andrew Orahoske, conservation director for the Environmental Protection Information Center. “These antiquated obstructions block the flow of clean water, resulting in toxic conditions and dead salmon.”

In a comprehensive 2008 [report](#), the National Research Council of the National Academy of Sciences concluded that increasing natural flows downstream from the dams would improve water quality and benefit fish populations. Currently, pollution levels are so high that the U.S. Environmental Protection Agency [listed](#) the Klamath River as “impaired” under section 303(d) of the federal Clean Water Act.

“The salmon can’t wait any longer, they need clean water. We owe it to future generations to make a stand for the Klamath and Trinity River salmon, and the time to act is now,” concluded Orahoske.

Ironically, the delay in the clean water certification process stems from a February 2010 settlement agreement signed by PacifiCorp, California, Oregon, and other parties to outline a potential process for removal of four Klamath River dams. Section 6.5 of the Klamath Hydroelectric Settlement Agreement (KHSA) calls for PacifiCorp to “...withdraw and re-file its applications for Section 401 certifications as necessary to avoid the certifications being deemed waived...” This delay of the Section 401 certification

process was meant to provide time for the KHSA and its companion agreement (the Klamath Basin Restoration Agreement or KBRA) to be enacted by Congress.

Both the KHSA and KBRA have faced an uphill battle in the U.S. Capitol with supporting legislation yet to be introduced in either chamber. The latter settlement deal has a price tag of \$1 billion. Furthermore, during the settlement process that produced the two agreements, major concessions were made to large-scale agribusiness operators in the Upper Klamath Basin, compromising the ability to undertake rapid restoration of the imperiled watershed. The upcoming Water Board meeting on May 17 marks a board imposed deadline for restarting the Section 401 certification process in the absence of KHSA legislation enactment.

“The Water Board was right to set a deadline to reengage in the clean water certification process and we’re urging them not to delay any longer,” added Kame’enui. “The dam settlement deals have a lot of heavy political baggage and it would be a disservice to the Klamath River to let them bog down progress on the clean water front any longer.”

The Section 401 certification process has long been viewed by dam removal proponents as a crucial step in the dam relicensing process. Klamath River water quality issues near the dams and in the reservoirs behind the dams are notorious, with yearly outbreaks of toxic algae blooms. Considering current poor water quality conditions in the river, many observers believe that PacifiCorp will not be able to comply with the requirements of any 401 certification without removing the dams or drastically altering their operations.

The letter to the Water Board was signed by Cascadia Wildlands, Center for Biological Diversity, Environmental Protection Information Center, Lane County Audubon, Oregon Wild, Salem Audubon Society, Umpqua Watersheds, Inc., and WaterWatch of Oregon.

[View a copy of the letter to the California State Water Resources Control Board.](#)

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