



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**NOV 04 2011**

The Honorable Jim Cook  
Chair, County of Siskiyou Board of Supervisors  
P.O. Box 750  
201 Fourth Street  
Yreka, CA 96097

The Honorable Grace Bennett  
Supervisor, County of Siskiyou Board of Supervisors  
P.O. Box 750  
201 Fourth Street  
Yreka, CA 96097

Dear Chairman Cook and Supervisor Bennett:

I am responding on behalf of Secretary Salazar to Chairman Cook's two letters dated October 19, 2011, and Supervisor Bennett's letter of September 29, 2011. The letters assert that decisions regarding Klamath River dam removal have been made and there has been a failure to consult and/or coordinate with Siskiyou County on the potential removal of these dams in violation of certain federal laws. I respectfully disagree on both assertions. No decision regarding facilities removal has been made. The Department of the Interior has consistently reached out to the County on numerous occasions over the past several years in meetings with the full Board (including three public meetings where I have personally testified before the Board), individual Supervisors, and technical staff. In short, we have met with the County every time you have asked for a meeting and we will continue to do so throughout the entirety of this process.

Your letters assert that statements by the Secretary in a San Francisco speech show that a decision has been made. This is incorrect. As seen in the Secretary's remarks, he was reporting on some of the published studies that were undertaken as a result of the science and environmental process called for in the Klamath Hydroelectric Settlement Agreement—studies that have been subject to peer review and are publicly available. In these very same remarks, the Secretary also made clear that the Department is seeking public comment and feedback on these reports as well as the environmental impact statement made available through the ongoing National Environmental Policy Act (NEPA) process before any final decisions are made. As noted in our public announcements and in the recent public meetings, the current public comment period on the draft environmental impact statement (DEIS) continues through November 21, 2011. In the past the Board has inquired about the application of NEPA to this process and I reiterate my previous statements that no decision regarding potential dam removal will occur until the NEPA process is completed.

I further respectfully disagree that the Department has failed to consult with the County in the current science and environmental review process that is evaluating the potential removal of these dams. As outlined in detail in the enclosure where we list all of our meetings with the County, the Department has consistently either initiated, or agreed to meet upon request, with the County throughout this process. Going as far back as 2005 up through today, the County has consistently expressed its concerns with the Klamath Agreements, and we have in turn consistently worked hard to address these concerns. We have made changes to the Klamath Agreements requested by the County, we have facilitated ongoing County involvement by holding negotiating sessions and public meetings in and around the County to help defray travel costs, and we have requested your participation in the NEPA process as a Cooperating Agency—something to which the County has chosen to decline. While I am disappointed we have been unable to resolve our differences on certain issues, I am not disappointed in the efforts of the Federal team to engage the County.

Based on discussions with legal staff, I must also inform you that we respectfully disagree with your interpretation of the law. Your letters first claim that the Secretary is violating the coordination provision found in the Federal Land Policy Management Act (FLPMA) at 43 USC § 1712(c). That provision of FLPMA applies only when the Bureau of Land Management (BLM) is developing or revising its land use plans (“in the *development and revision of land use plans*, the Secretary shall...” (emphasis added)) – neither of which is the case here. Simply put, our science and environmental process is about the potential removal of four privately owned dams on the Klamath River, something that is not a BLM resource management planning exercise. The provision contained in 43 U.S.C. § 1712(c) therefore does not apply. Similarly, *California Resources Agency v. USDA* deals with the U.S. Forest Service’s promulgation of Land Management Plans, or “forest plans.” The USDA authority is not applicable to the Secretary of the Interior or the agencies within the Department of the Interior. This does not mean, however, that the Department will not continue to meet and work with you on issues of importance to the County as I believe our past level of engagement shows our commitment to openness and transparency.

Likewise, the sections of NEPA to which your letters cite also take statutory language out of context. Section 101 of NEPA, which you quote regarding the policy of the Federal Government to cooperate with state and local governments, does lay out the overarching policy of the Act. Indeed, the Department recognizes Congress’s intent that the Federal agencies work with state and local governments - something which, as explained above and discussed in the enclosure to this letter, we are continuing to do.


You further cite to regulations from the Council on Environmental Quality for the notion that the Department has not coordinated with the County. The section of the regulations in question is designed to “reduce duplication between NEPA and state and local requirements.” In fact, the Department is meeting its requirements of this regulation by working with the California Department of Fish and Game to prepare an environmental analysis that meets the requirements of both State and Federal law.

Finally, the Department has reviewed the Siskiyou Comprehensive Land and Resource Management Plan (LRMP), which was transmitted to my attention on May 12, 2010. Your letter asserts that the DEIS does not disclose discrepancies between the proposed action and the county's LRMP. I respectfully disagree with this assessment. The County's LRMP does an excellent job of describing the historical land and water uses and the development of Siskiyou County. However, it fails to assert future intent or plans for lands managed by the County. Because the future plans are not known, the DEIS/EIR cannot make any statements regarding possible conflicts between the proposed action and any possible future County plans.

I agree that these are important issues and that we should have a robust dialogue on the facts. I want to reiterate that Secretary Salazar and the Department of the Interior remain committed to an open and transparent process, which was promised at the outset of the scientific studies and the NEPA process.

The Department has always met with the County when requested to do so and, per the request in your letter, will again make ourselves available to meet with you. Please have your representatives contact me at (202) 208-5359 to schedule a mutually agreeable time to meet. Your letter also contained a request to extend the comment period for the NEPA analysis. We will take your request under advisement. I recognize we have not fully resolved many of the issues that separate us, but failure to reach agreement does not mean the Department has failed to consult and coordinate on these important issues. I look forward to our next meeting.

Sincerely,



John Bezdek  
Special Advisor to the Chief of Staff  
Office of the Secretary

**Chronological detail of meetings and coordination efforts undertaken between the Department of the Interior and the County of Siskiyou related to both the Klamath Facilities Removal EIS/NEPA and the scientific studies to support the Secretarial Determination**

<b>Date</b>	<b>Meeting Details</b>
April 1, 2010	John Bezdek and Dennis Lynch appeared at a Board of Supervisors Meeting, Yreka, CA
May 5, 2010	Technical Management Team members briefed Siskiyou County Board of Supervisors on Real Estate and Economics issues, County Counsel's Office, Yreka, CA
May 5-6, 2010	TMT workshop on technical presentations of the proposed project was attended by Marcia Armstrong, Mt. Shasta, CA
May 9, 2010	Tom Hepler (BOR) response to emails from Supervisor Marcia Armstrong and from Director of Public Works Scott Sumner on May 7, 2010, regarding county roads and bridges, with subsequent response from Scott Sumner on May 11, 2010
July 7, 2010	EIS/EIR Scoping Meeting, Montague, CA and Yreka, CA
July 8, 2010	Meeting in Office of County Counsel, Yreka, CA to discuss the NEPA scoping process and issues to be addressed in the EIS/EIR with Tom Guarino, Grace Bennett and Marcia Armstrong, and Dennis Lynch, Mark Stopher, Matt Baun, Tanya Sommer, Renee Snyder, Rhea Graham
July 8, 2010	EIS/EIR Scoping Meeting, Klamath Falls, OR
July 21 & 22, 2010	Jim Cook attended and, Michael Kobseff and Marcia Armstrong attended and made comments at the KBCC meeting, Redding, CA
August 17, 2010	Meeting between Rob Taylor (Yreka City Water Manager) and Tom Hepler (BOR) re: Yreka water supply, including site tour of facilities
August 31, 2010	Transmittal of drawings from Rob Taylor to Tom Hepler re: Yreka City water supply and details of the existing reservoir crossing and intakes
September, 2010	Siskiyou County Assessor's Office, Mike Mallory, discussing real estate valuation
September, 2010	Siskiyou County Assessor's Office, Elizabeth Giacomelli, discussing real estate valuation
September 10, 2010	Ric Costales attended and made comments at the KBCC meeting, Eureka, CA
October, 2010	Siskiyou County Assessor's Office, Dan Weale, discussing real estate valuation
October 13, 2010	Stakeholder Technical Meeting about fall Chinook salmon production model, Yreka, CA
October 25, 2010	Email from Rob Taylor to provide technical information on Yreka City water supply facilities.
November 3, 2010	Email from Rob Taylor to provide photographs of Yreka City water supply facilities
December 9, 2010	Public Information Meeting on Secretarial Determination Science Studies and Technical Reports, Montague, CA and Yreka, CA
December 15, 2010	Jim Cook and Ric Costales attended and made comments KBCC meeting, Redding, CA

Chronological detail of meetings and coordination efforts undertaken between the Department of the Interior and the County of Siskiyou related to both the Klamath Facilities Removal EIS/NEPA and the scientific studies to support the Secretarial Determination

December 15, 2010	Email from Dennis Lynch to Chairman Marcia Armstrong to provide contact information regarding detailed plan for dam removal (Tom Hepler, BOR); and response from Chairman Armstrong to provide contact information for Road Commissioner (Scott Sumner)
January 5, 2011	Request from Tom Hepler (BOR) for detailed information on county road culverts and bridges from Scott Sumner, directed to Chairman Armstrong, with response from Scott Sumner on January 6, 2011
January 22, 2011	Detailed information on culverts and bridges received by Tom Hepler (BOR) from Jeremy Lipke of Siskiyou County Public Works, with brief email contact on January 24, 2011
February 8, 2011	Board of Supervisors Meeting, Yreka, CA
March 30, 2011	Telephone conversation between Daniel Mar (BOR) and Rick Dean (Siskiyou County Public Health and Community Development) regarding waste disposal requirements for landfills
June 17, 2011	Tom Guarino attended and made comments at the KBCC meeting, Ashland, OR
October 18, 2011	Public Comment Hearing on DEIS/EIS, Klamath Falls, OR
October 20, 2011	Public Comment Hearing on DEIS/EIR, Yreka, CA