

Attachment 2
Congress of the United States
Washington, DC 20515

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By The Federal Energy Regulatory Commission Office of External Affairs at 12:38 pm, Nov 01, 2022

October 21, 2022

The Honorable Kate Brown
Governor of Oregon
Office of the Governor
900 Court Street, Suite 254
Salem, OR 97301-4047

The Honorable Gavin Newsom
Governor of California
Office of the Governor
1021 O Street, Suite 9000
Sacramento, CA 95814

Honorable Deb Haaland
Secretary
US Department of the Interior
1849 C Street NW
Washington, DC 20240

The Honorable Richard Glick
Chairman
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Mark Branson
Chief Executive Officer
Klamath River Renewal Corporation
2001 Addison Street, Suite 317
Berkeley, CA 94704

Stefan Bird
President and CEO
Pacific Power
825 NE Multnomah Street
Portland, OR 97232

Re: Proposed Hydropower License Surrender and Decommissioning of the Lower
Klamath Project No. 14803-001 and Klamath Hydroelectric Project No. 2082-063

Dear Governor Brown, Governor Newsom, Secretary Haaland, Chairman Glick, Mr. Branson,
and Mr. Bird,

Four months ago, we sent you the attached letter identifying information that is missing from the Federal Energy Regulatory Commission's record. Overall, our June 16, 2022 letter points to undisclosed and unknown federal, state and local costs, liabilities, and authorities associated with potential dam removal on the Klamath River. It closes with the following:

"In summary, we believe that FERC, Congress, federal and state executive branches, taxpayers, and ratepayers should be informed of all of the following:

- a. **The specific amount of federal funds that were applied between 2010 and 2015 toward developing an EIS and other documents to support a Secretarial decision on dam removal, even though the Secretary will not be the decisionmaker.**

- b. What the Bureau considers to be its legal authority to take title to Keno Dam and operate and maintain it under the terms and conditions of the KHSA.**
- c. How much it will cost the federal government to improve, make upgrades to, and maintain Keno Dam and related infrastructure, and provide all reports and studies that have been completed that relate to those activities.**
- d. What type of feasibility studies are required prior to modifications to Keno Dam, and when will they be completed.**
- e. Is the Bureau requesting funding for Keno Dam-related studies or improvements or operation in its budgets for FY 2023, 2024, or 2025.**
- f. What the state or federal governments have done, or will do, to prevent new regulatory burdens for agriculture as a result of dam removal.**
- g. How much it will cost to install and operate facilities to reduce fish entrainment between Link River Dam and Keno Dam, and provide all reports and studies that have been completed that relate to those activities.**
- h. Whether each state is legally committed to provide funding for cost overruns under the MOA; and**
 - i. If so, the basis for the Governors' legal authority to make that open-ended commitment;**
 - ii. If not, whether the MOA cost provisions are no more than a political commitment from the current Governors to seek additional funds if needed.**
- i. Whether PacifiCorp's share of cost overruns would be funded by ratepayers, or whether PacifiCorp's share would be funded by shareholders.**
- j. The source of the Governors' authority to make the commitments in section 8 of the MOA.**
- k. Whether the federal government will be looked to for other costs, specifically including costs for recreation facilities."**

We are grateful for Chairman Glick's July 14, 2022 letter confirming that FERC is committed to consider the overall public interest in passing judgment on the rush to dam removal. However, we are extremely concerned that Secretary Haaland, Governor Brown, and Governor Newsom have not responded to the questions in our June 16 letter, or even sent a preliminary response letter to officially acknowledge its receipt. This fact, and the content of the response we did receive from Mr. Bird, make it impossible for FERC to make an informed decision on the dam removal application now pending.

All of our questions for Governors Brown and Newsom are still pending. These include whether they and future governors are legally bound by their 2020 Memorandum of Agreement and, if so, where the current governors find the authority to make the open-ended financial commitments in the MOA.

All of our questions for Secretary Haaland are still pending. It is shocking and unacceptable that, over a dozen years after signing the dam removal agreement, the Department of the Interior has no information, or at least none that it will disclose to Congress, FERC, or the public on critical subjects. These include issues that pertain to also-uncertain federal authorities and the outcomes of promised investigations of the implications of the Bureau of Reclamation taking title to Keno Dam, a FERC-licensed facility.

Mr. Bird's September 9, 2022 response to our June 16 letter is as disturbing as are the non-responses from the states and the Department of the Interior. We understand his letter to keep open the potential that PacifiCorp will ask its customers to cover cost-overruns. This is a one hundred-eighty degree reversal of the firm commitment – expressed in the dam removal agreement itself – that was significant in gaining political momentum. Now, PacifiCorp apparently has decided that the dam removal process has passed the point of no return, so those core commitments can be discarded.

Please advise us immediately of the date on which the Department of the Interior, Oregon, and California will provide the information of critical public interest that we requested four months ago.

Sincerely,



Cliff Bentz
Member of Congress



Doug LaMalfa
Member of Congress

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