



# COUNTY OF SISKIYOU

## Board of Supervisors

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March 3, 2009

**VIA FAX (202) 226-0852**

The Honorable Wally Herger  
U. S. House of Representatives  
242 Cannon House Office Building  
Washington, DC 20515

Re: AIP and KBRA processes  
Klamath River dams/dam removal process

Dear Congressman Herger:

This letter is to follow up on the January 16, 2009, correspondence from the Secretary of the Interior.

The County has certain concerns with respect to representations that were made to you by the Secretary.

It is the position of the County that the AIP process and KBRA process undertaken by the Department of the Interior is entirely lacking in meaningfully addressing the concerns of Siskiyou County. What the Secretary's correspondence fails to discuss is that participants in the AIP and KBRA processes, while facially allowing the County to participate, have in fact by their actions and processes undertaken to effectively exclude the County by simply not meaningfully addressing the County's concerns.

The representation in the Secretary's letter that there were specific provisions for the study of economic impacts to Siskiyou County is somewhat misleading. While at the very end of the AIP there were some items that "may" be included addressing economic impacts in Siskiyou County, we have recently learned that the Department of the Interior has kept concealed from the County and other participants a report prepared by Camp Dresser and McKee Inc. (CDM) in July 2008. This report identifies another \$836 Million of decommissioning costs not previously disclosed, including over \$11 Million in diminution of property values, almost \$4 Million in changes in recreational opportunities, over \$4 Million in lost payroll to the County, and over \$171 Million in the loss of a renewable power source. No discussion is provided in this report or anywhere else

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of the impacts of replacing clean hydroelectric power with energy generated from coal powered plants.

The provisions discussed in the Secretary's letter were essentially thrown at the last moment with no provision in the Agreement that they have any force and effect or funding. As things stand now, there are simply no protections for the citizens of Siskiyou County in any of these agreements. The only offer that has ever been made is to seek funding of \$20 Million as a one-time source and to place control of that funding in the hands of the KBRA Governance Council, which includes non-governmental organizations, special interests, and other groups, which would effectively preempt and usurp all local land use control and authority for the area. These agreements would further usurp and preempt any and all authority of the Siskiyou County Board of Supervisors to govern as their constituents have elected them to do.

The Secretary represents that a draft version of the AIP was shared in advance. In fact, the draft version of the AIP was provided in a written form just a short time before its release. The time permitted was insufficient to meaningfully review the document. This is consistent with the approach taken with the CDM Report and the efforts to hastily obtain approval in the State of Oregon without allowing the CDM Report to be reviewed and vetted by the public.

Contrary to the representations of Secretary Kempthorne, the County of Siskiyou recently adopted a resolution that allowed it to sign on to the Protocol for the negotiations regarding the Final Agreement. Signing onto the Protocol for the negotiations was specifically conditioned upon the fact that the AIP was represented to the County to simply be a discussion of a process to review the potential impacts of dam removal and not in fact an agreement for dam removal. It was on this basis that the County of Siskiyou agreed to participate.

It should be noted that the County continues to have the same concerns with the AIP process for the Final Agreement as it contemplates having a Final Agreement approved by the County of Siskiyou in April of this year. As of the drafting of this correspondence, no version of the Final Agreement has been provided to Siskiyou County and in fact comments submitted by the County of Siskiyou and requests made in those comments have gone unanswered by any of the principals involved.

What the Secretary's correspondence fails to mention is that the County of Siskiyou has on numerous occasions requested that the Department of the Interior coordinate its activities with the County of Siskiyou as required by 43 United States Code Section 1712. These provisions of the United States Code specifically require that the Secretary, with public involvement, coordinate the land use activities and management

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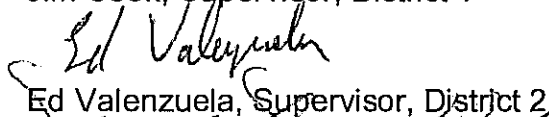
of lands under his jurisdiction with state and local governments. The Secretary is required in implementing the provisions of Section 1712 to keep himself apprised of local land use plans and assure that consideration is given to those local land use plans that are germane to the development of the land use plans for public lands, and to the extent practical, resolving inconsistencies between the federal and non-federal government plans. Furthermore, the Secretary is required to provide for meaningful public involvement of state and local government officials in the development of land use programs and regulations and land use decisions for public land, including early public notice to proposed decisions which may have a significant impact on non-federal lands. No more significant impact on the non-federal lands can be contemplated than the removal of four long-existing hydroelectric power generation facilities containing hazardous sediment, costs to remove which could be in excess of \$500 Million. Studies have been undertaken which contemplate simply releasing this sediment into the river and essentially destroying the endangered species, which it appears only the County of Siskiyou is truly concerned with.

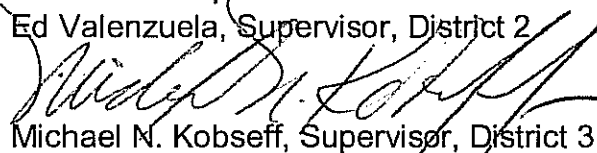
Section 1712 also mandates that land use plans of the Secretary shall be consistent with local plans to the maximum extent consistent with Federal law. As of the date of this correspondence, no response has been received from either former Secretary Kempthorne or the current Secretary of the Interior, to whom a written request has been made.

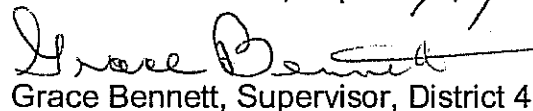
Accordingly, the Board of Supervisors of the County of Siskiyou continues to seek your help in protecting the interests of the citizens of Siskiyou County.

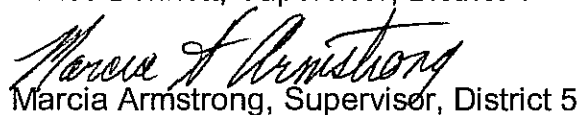
Respectfully,

  
Jim Cook, Supervisor, District 1

  
Ed Valenzuela, Supervisor, District 2

  
Michael N. Kobseff, Supervisor, District 3

  
Grace Bennett, Supervisor, District 4

  
Marcia Armstrong, Supervisor, District 5

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cc: Secretary Ken Salazar  
Senator Dianne Feinstein  
Senator Barbara Boxer  
Governor Arnold Schwarzenegger  
Governor Ted Kulongoski  
Del Norte County Board of Supervisors  
Trinity County Board of Supervisors