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United States Department of the Interior

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JUL 01 2009

Michael N. Kobseff  
Chairman  
Siskiyou County Board of Supervisors  
P.O. Box 750 • 201 Fourth Street  
Yreka, California 96097

Dear Mr. Chairman:

Thank you for meeting with me, Ren Lohofener of the Fish and Wildlife Service, and Kirk Miller of the California Resources Agency this past April to discuss Siskiyou County's (County) concerns regarding the negotiations over the potential removal of four privately owned dams on the Klamath River. I enjoyed hearing directly from you about the issues that affect your constituents, and I want to reiterate my pledge that the Department will undertake its assessment of the costs and benefits of dam removal in an open and transparent manner. We want to work with you to ensure you agree with the nature and scope of the analysis while preserving your ability to disagree with the outcome.

The Department has asked me to respond to your March 3, 2009 letter to the U.S. General Services Administration (GSA) regarding the applicability of the Federal Advisory Committee Act (FACA) of 1972 to the ongoing Klamath negotiation meetings.

With regard to your FACA concerns, it is the position of the Department that these negotiations are not subject to FACA. FACA applies to advisory committees that are established or utilized by a federal agency for the purpose of obtaining advice. Further, FACA does not apply to discussions established for the purpose of settling litigation. As you are well aware, litigation has been a major part of the history of the Klamath Basin. These discussions were initiated in large part because the various stakeholder groups had become frustrated by the uncertainty and expense associated with litigating these disputes.

It has been my intention to make these discussions as inclusive as possible. The only limitation that has been placed on participation is the request that participants sign a confidentiality agreement restricting the distribution of draft/negotiation documents. Other than that, any group is invited to participate.

I would like to acknowledge how much I have appreciated Siskiyou County's active participation in these negotiations. I know this participation has posed challenges for the County, but I firmly believe that the input from County representatives has been very useful. I

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ADMINISTRATIVE OFFICE  
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Chairman Kobseff  
Page Two

will continue to work with your representatives to ensure we are fully aware of the County's concerns and we do what we can to address them.

Again, thank you for the County's continued participation in these discussions, and I look forward to continuing to work with you to resolve the many challenges in the Klamath Basin and the surrounding communities.

Sincerely,

A handwritten signature in black ink, appearing to read "John Bezdek", with a long horizontal flourish extending to the right.

John Bezdek  
Assistant Solicitor  
Branch of Water and Power