



COUNTY OF SISKIYOU

Board of Supervisors

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March 17, 2009

VIA FAX 916-653-8102

Honorable Mike Chrisman
Secretary for Natural Resources
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Removal of dams on the Klamath River

Dear Secretary Chrisman:

The Board of Supervisors has received and reviewed your correspondence of March 10, 2009. Both the tone and content are inconsistent with the Board's understanding of appropriate discourse between someone at the Secretary's level and a group of elected officials.

We do not find it productive to reply with a similar response but wish to make it known to you that the Board of Supervisors will continue to firmly assert the interests of the citizens of this County and will not be intimidated by such actions, even when they come from such a high level of State government. We would hope that the Governor would not endorse such a position.

Perhaps it has escaped your review of this matter, but the intended removal of the Klamath River dams is likely to fundamentally and irreversibly harm the economy of the County of Siskiyou. Many of those you name as benefitting from the removal of the dams do not reside in Siskiyou County or, in some cases even the State of California. The question is: Why is the State of California so willing to sacrifice the economic well-being of one of its counties, particularly in light of the current economics in the United States? The County of Siskiyou has devoted significant resources in the past few months to effectively engage in these proceedings and obtain technical expertise to assist it in understanding complex legislation propounded by large, well funded national and state agencies and private interests. The funding and resources provided to participate for just the past few months would have employed two to three County workers for a year. It is only because of the devastating blow the removal of these facilities will likely cause to the County of Siskiyou that these scarce resources have been devoted to this effort. The County of Siskiyou is

Jim Cook
District 1

Ed Valezuela
District 2

Michael Kobseff
District 3

Grace Bennett
District 4

Marcia H. Armstrong
District 5

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currently contemplating having to lay off somewhere in the neighborhood of ten percent of its workforce, with a corresponding reduction in services, while at the same time coping with the State of California's inability to balance its own budget without further taxing the citizens of this County. One need only to look at the "Northwest Forest Plan--The First 10 Years (1994-2003): Socioeconomic Monitoring of the Klamath National Forest and Three Local Communities" to see the long-term devastating effects to the County of Siskiyou of ill conceived policies. The ongoing attacks on the timber industry, mining, and now agriculture are essentially wiping out the economic engines of the County. Therefore, when you admonish the Board of Supervisors to "act accordingly," we believe we are.

We continue to be concerned with the actions of the State agencies. It is our understanding in part from Director Rice's correspondence on behalf of the State Water Resources Control Board of February 21, 2009, at page 2, that the State Water Board has become so invested in the removal of the dams on the Klamath River that it is "exploring outside funding options for the CEQA document" that would otherwise need to be prepared by PacifiCorp. It further states that "the parties should rest assured that the decision to move forward on scoping does not amount to a decision to charge PacifiCorp for the next stages of the EIR development process." Further, it is our understanding that, in reviewing the TMDLs for the Klamath River, that Director Rice is actively considering modifying TMDLs and other regulations to permit a discharge of sediment that would otherwise not be permitted under current State law and regulations. It has always been our understanding that such a change would require State Water Board approval. Perhaps someone on your staff could review this issue. In light of this predisposition in favor of dam removal, we believe we have "acted accordingly."

One only need look to the AIP itself to determine that hundreds of millions of dollars that would otherwise be costs to a private entity are being secured from the taxpayers of the States of California and Oregon through bonds, legislation, and other financial mechanisms.

In response to your charge that the County is mistaken about the \$450 Million to PacifiCorp, our response is that absent such actions, PacifiCorp would have to come up with the \$450 Million on its own. In fact, Oregon has moved \$180 Million of funding for dam removal forward, with your support, before any environmental review or public review has taken place. It is clear that the AIP is in fact a vehicle to transfer the \$450 Million of taxpayer dollars to the benefit of PacifiCorp. In light of such actions, we believe we have "acted accordingly."

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You charge that the Board is "mistaken" in representing the principal parties have indicated that dam removal is imminent. However, PacifiCorp has publicly stated they have no option but to go forward with dam removal because of policy changes of the States of California and Oregon. Oregon is currently moving legislation forward for approval that funds removal before the environmental review contemplated by the AIP to determine if removal is even appropriate. We would also ask you to recall your comments to Supervisor Cook a couple of years ago when he visited your office and you told him at least two dams were coming out. These are just a few of the actions and comments that support the Board's statement. Therefore, we believe we have "acted accordingly."

The actions of the State of California to assist a private enterprise with securing freedom from liability for its actions, full compensation for any costs associated with the removal of the dams, and essentially undertaking every effort to make a private company whole through this process are disappointing in light of current economic conditions. In the 30+ pages of the AIP under "Miscellaneous" items there is a feeble commitment that the Final Agreement "may" address an economic impact on the study of the effect the removal of the facilities will have on Siskiyou County. No funding is discussed, no provision for funding of the County impacts is mentioned, the magnitude of these impacts is unexamined, and there is no commitment to do so. We believe the Board of Supervisors is "acting accordingly" in vigorously advocating these concerns.

When asked, the County of Siskiyou has repeatedly responded that its requests are quite simple. We seek to preserve the local authority of the elected Board of Supervisors to govern as they have been elected to do and prevent the attempted preemption of County authority by state and federal authorities. We seek to prevent the delegation of County authority to third parties and non-governmental organizations. If you intend to remove the dams, we wish to have vigorous environmental and economic studies conducted that are peer reviewed and have the validity of scientific studies that have been done in an unbiased manner. On March 9, 2009, the President of the United States issued a memorandum on scientific integrity. It states in part that such studies should be peer reviewed and pointedly raises the very issue at the heart of our concerns; that "[t]he public must be able to trust the science and scientific process informing public policy decisions." We therefore believe we have "acted accordingly."

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To accomplish this, in part, the County of Siskiyou requests that funding be provided for it to conduct, with experts of its choosing, such studies and reviews on an equal basis with other parties and to simply have those technical and scientific studies and reviews considered by the Secretary of the Interior on an equal footing with other such investigations. The dollars available to do this pale in significance to the hundreds of millions and possibly billions of dollars necessary for these projects. The County of Siskiyou also requests that mechanisms be put in the Agreement that will address the mitigation, through funding or otherwise, of the impacts of an undertaking of this magnitude. The CDM Report identifies severe diminution in land values, impacts to agriculture and recreation, not to mention the impacts incapable of monetary compensation to the lives of many who have held the land for generations whose way of life will now be lost. The County requests compensation for not only the direct economic losses, but also provisions for replacement jobs and opportunities in the County. While a few hundred jobs may not seem like much to the State of California, the effect of removing these facilities will likely cause significant loss to the County of Siskiyou and such loss would be irreplaceable without compensatory legislation and funding being put in place and guaranteed by those government agencies who so vigorously seek dam removal. In light of this rather modest request, we believe we have "acted accordingly."

Given the State of California's track record in honoring its commitments to counties over the years, perhaps you will understand that the Board of Supervisors would prefer to have such commitments spelled out in writing with clarity so that the citizens of Siskiyou County can at least have a written assurance that the devastation of their economy was done knowingly by the State of California.

In spite of the conduct of the State and others to date, the County of Siskiyou remains willing to engage meaningfully in the process because it has no other choice. If two states, the federal government, and an entity the size of PacifiCorp decide to undertake the removal of the dams, the only choice the County has to protect the interests of its citizens and secure the best possible outcome from an otherwise unstoppable undertaking by such entities to implement a policy with which the County does not agree and which is not in the interest of its citizens, is for the County to continue to negotiate. Therefore, we are "acting accordingly."

We welcome the Department of the Interior's recent offer to send an authorized representative to the County for the first time to deal directly with the County to discuss these concerns and we will be moving forward in the next few weeks to work with the Department of the Interior in the hope that this recent effort by the United States will be

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mirrored by the State of California and your office. The Board of Supervisors extends an invitation to you to visit and to meet with the people who live around the dams that you so vigorously advocate removing.

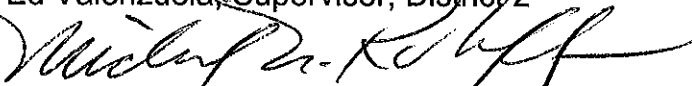
Respectfully,



Jim Cook, Supervisor, District 1



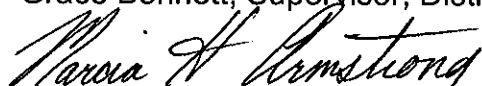
Ed Valenzuela, Supervisor, District 2



Michael N. Kobseff, Supervisor, District 3



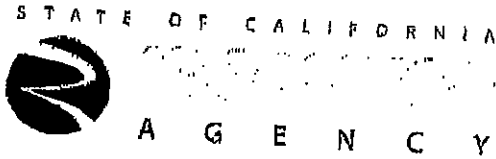
Grace Bennett, Supervisor, District 4



Marcia Armstrong, Supervisor, District 5

cc: Senator Dianne Feinstein
Senator Barbara Boxer
Congressman Wally Herger
Congressman Mike Thompson
Congressman Greg Walden
Senator Ron Wyden
Senator Jeff Merkley
Governor Arnold Schwarzenegger
Governor Ted Kulongoski
Klamath County Board of Supervisors
Humboldt County Board of Supervisors
Del Norte County Board of Supervisors
Trinity County Board of Supervisors

Attachments: [Presidential Memo on Scientific Integrity of March 9, 2009](#)



March 10, 2009

ARNOLD SCHWARZENEGGER, Governor,
MIKE CHRISMAN, Secretary

Honorable Michael N. Kobseff, Chair
Siskiyou County Board of Supervisors
P. O. Box 750
Yreka, CA 96097

Dear Chairman Kobseff:

Your recent correspondence and public announcements regarding the proposed removal of the Klamath dams are of great concern to me. I cannot find a factual basis for many of the allegations that you asserted. Such commentary is not only harmful to the negotiations, but confusing and contradictory, and directly conflicts with your commitment to support the process.

Here are but two of many examples:

In a letter dated March 3, 2009 to President Obama, signed by all of the supervisors, you state:

"The principal parties have publicly indicated the removal of the dams is imminent, even before any environmental review is conducted."

As you are well aware, the non-binding agreement in principal executed last year, requires extensive environmental review between now and 2012. Only after the risks and benefits of these studies are complete, can the Secretary of Interior make a determination about dam removal. Moreover, even if the Secretary finds that the dams should come out, this would not begin to occur until 2020.

The undated "Statement of the Board of Supervisors with Regard to the CDM Report" contains this statement:

"The AIP sets forth a payment to PacificCorp of \$450 million. This is to be established by legislation rather than through the California Public Utilities Commission (CPUC)."

1416 Ninth Street, Suite 1311, Sacramento, CA 95814 Ph. 916.653.5656 Fax 916.653.8102 <http://resources.ca.gov>

Baldwin Hills Conservancy • California Bay-Delta Authority • California Coastal Commission • California Coastal Conservancy • California Conservation Corps
California Tahoe Conservancy • Coachella Valley Mountains Conservancy • Colorado River Board of California • Delta Protection Commission • Department of Boating & Waterways
Department of Conservation • Department of Fish & Game • Department of Forestry & Fire Protection • Department of Parks & Recreation
Department of Water Resources • Energy Resources Conservation & Development Commission • Native American Heritage Commission • San Diego River Conservancy
San Francisco Bay Conservation & Development Commission • San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy • San Joaquin River Conservancy
Santa Monica Mountains Conservancy • Sierra Nevada Conservancy • State Lands Commission • Wildlife Conservation Board



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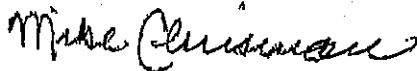
Neither is true. The AIP contemplates that up to \$450 million will be needed for dam removal, but none of that money will be paid to PacificCorp. Power rates in Oregon may be established through legislation. The AIP does not call for such legislation in California. Any increase in rates associated with dam removal for California residents must be approved by the CPUC.

It would not be useful to challenge every misstatement in each of the recently issued documents. However, the nature of these communications, in combination with other recent correspondence, gives me concern.

Is it your current intention to participate in a constructive manner with the Klamath Basin Restoration Group? Or, has the County determined simply to frustrate the group's efforts, including not only PacificCorp, but environmental groups, Indian tribes, farmers, fisherman and other local governments, just as their work appears to be rewarded?

The State of California has supported participation by Siskiyou County in these proceedings. We must now consider if that continues to be possible. If your interest is in constructive engagement, I invite you immediately to restate those intentions and then to act accordingly.

Sincerely,



Mike Chrisman
Secretary for Natural Resources

March 11, 2009 (Volume 74, Number 46)]

>[Presidential Documents]

>[Page 10671-10672]

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Presidential Documents

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Memorandum of March 9, 2009

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Scientific Integrity

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Memorandum for the Heads of Executive Departments and
Agencies

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Science and the scientific process must inform and guide decisions of my Administration on a wide range of issues, including improvement of public health, protection of the environment, increased efficiency in the use of energy and other resources, mitigation of the threat of climate change, and protection of national security.

The public must be able to trust the science and scientific process informing public policy decisions. Political officials should not suppress or alter scientific or technological findings and conclusions. If scientific and technological information is developed and used by the Federal Government, it should ordinarily be made available to the public. To the extent permitted by law, there should be transparency in the preparation, identification, and use of scientific and technological information in policymaking. The selection of scientists and technology professionals for positions in the executive branch should be based on their scientific and technological knowledge, credentials, experience, and integrity.

By this memorandum, I assign to the Director of the Office of Science and Technology Policy (Director) the responsibility for ensuring the highest level of integrity in all aspects of the executive branch's involvement with scientific and technological processes. The Director shall confer, as appropriate, with the heads of executive departments and agencies, including the Office of Management and Budget and offices and agencies within the Executive Office of the President (collectively, the ``agencies''), and recommend a plan to achieve that goal throughout the executive branch.

> Specifically, I direct the following:

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>1. Within 120 days from the date of this memorandum, the Director shall
>develop recommendations for Presidential action designed to guarantee
>scientific integrity throughout the executive branch, based on the
>following principles:

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>(a) The selection and retention of candidates for science and
>technology positions in the executive branch should be based on the
>candidate's knowledge, credentials, experience, and integrity;

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>(b) Each agency should have appropriate rules and procedures to ensure
>the integrity of the scientific process within the agency;

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>(c) When scientific or technological information is considered in
>policy decisions, the information should be subject to well-established
>scientific processes, including peer review where appropriate, and each
>agency should appropriately and accurately reflect that information in
>complying with and applying relevant statutory standards;

>

>(d) Except for information that is properly restricted from disclosure
>under procedures established in accordance with statute, regulation,
>Executive Order, or Presidential Memorandum, each agency should make
>available to the public the scientific or technological findings or
>conclusions considered or relied on in policy decisions;

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>(e) Each agency should have in place procedures to identify and address
>instances in which the scientific process or the integrity of
>scientific and technological information may be compromised; and

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>(f) Each agency should adopt such additional procedures, including any
>appropriate whistleblower protections, as are necessary to ensure the
>integrity of scientific and technological information and processes on
>which the agency relies in its decisionmaking or otherwise uses or
>prepares.

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>2. Each agency shall make available any and all information deemed by
>the Director to be necessary to inform the Director in making
>recommendations to the President as requested by this memorandum. Each
>agency shall coordinate with the Director in the development of any
>interim procedures deemed necessary to ensure the integrity of
>scientific decisionmaking pending the Director's recommendations called for by
this memorandum.

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>3. (a) Executive departments and agencies shall carry out the
>provisions of this memorandum to the extent permitted by law and
>consistent with their statutory and regulatory authorities and their enforcement
mechanisms.

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>(b) Nothing in this memorandum shall be construed to impair or
>otherwise
>affect:

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>(i) authority granted by law to an executive department, agency, or the
>head thereof; or

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>(ii) functions of the Director of the Office of Management and Budget
>relating to budgetary, administrative, or legislative proposals.

>
>(c) This memorandum is not intended to, and does not, create any right
>or benefit, substantive or procedural, enforceable at law or in equity,
>by any party against the United States, its departments, agencies, or
>entities, its officers, employees, or agents, or any other person.

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>4. The Director is hereby authorized and directed to publish this
>memorandum in the Federal Register.

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> (Presidential Sig.)

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THE WHITE HOUSE,

Washington, March 9, 2009