



# Oregon

Kate Brown, Governor

Department of Environmental Quality  
Eastern Region Bend Office  
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September 7, 2018

Mr. Lester Snow, President KRRC  
Klamath River Renewal Corporation  
423 Washington Street, 3rd Floor  
San Francisco, CA 94111

Re: Removal of the Lower Klamath Project, FERC Project No. 14803  
Certification Pursuant to Section 401 of the Federal Clean Water Act

Dear Mr. Snow:

On September 11, 2017, KRRC submitted a Clean Water Act Section 401 Water Quality Certification Application for the proposed removal of the Oregon portion of the Lower Klamath Project. Specifically, the Klamath River Renewal Corporation proposes to remove all physical project elements including J.C. Boyle Dam and reservoir, power canal, powerhouse, transmission lines, recreational facilities and all facilities associated with the project as described in the application.

DEQ has evaluated the application for Clean Water Act Section 401 Water Quality Certification for consistency with the applicable provisions of the Clean Water Act Sections 301, 302, 303, 306 and 307; Oregon Administrative Rules (OAR) Chapter 340, Divisions 041 and 048; Oregon Revised Statute (ORS) 543A.025 (2) to (4) and other appropriate requirements of state law.

Based on information provided in KRRC's application, DEQ's findings in its Evaluation and Findings Report (enclosed) and consideration of public comment, DEQ grants a Clean Water Act Section 401 certification for the proposed removal of the J.C. Boyle Dam development in Oregon that includes the following conditions (enclosed). DEQ is reasonably assured that operations under the FERC license will be consistent with provisions of the Clean Water Act Sections 301, 302, 303, 306 and 307, state water quality standards, and other appropriate requirements of state law, provided KRRC complies with the Section 401 certification conditions attached to this correspondence.

The Section 401 certification is valid for the KRRC only and is not transferable without written approval from DEQ, in accordance with OAR 340-048-0042(6).

In accordance with the Oregon Administrative Procedures Act (Oregon Revised Statute, Chapter 183) and OAR 340-048-0045(2), KRRC may request a contested case hearing if dissatisfied with the Section 401 certification decision, including any conditions to an approved certification. Your request for a hearing must be made in writing to the Department of Environmental Quality within 20 days of the date of mailing of this certification, and comply with OAR 340-011-0530(2) and OAR 340-048-0045(2). You may mail your request for a hearing to:

Oregon Department of Environmental Quality  
Attn: Chris Stine  
165 East Seventh Avenue, Suite 100  
Eugene, OR 97401

If a request for hearing is not received within this 20-day period, your right to a hearing shall be considered waived. If you request a hearing, you will be notified of the time and place of the hearing and provided information on the procedures by which contested cases are heard, your rights, the import and effect of such a hearing, and your rights and remedies. As a corporation, you must be represented by legal counsel at this hearing, if any.

Sincerely,



Linda Hayes-Gorman,  
Eastern Region Administrator

Attachment: Clean Water Act Section 401 Conditions

Enclosures: Evaluation and Findings Report

cc: Eric Nigg, DEQ  
Chris Stine, DEQ  
Marilyn Fonseca, DEQ  
Mary Grainey, OWRD  
Ken Homolka, ODFW  
Anika Marriott, ODOJ

### **NOTICE TO ACTIVE DUTY SERVICEMEMBERS**

Active duty service members have a right to stay these proceedings under the Federal Service Members Civil Relief Act. For more information, contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through:

<http://legalassistance.law.af.mil/content/locator.php>