



COUNTY OF SISKIYOU

Board of Supervisors

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February 7, 2012

VIA FAX 202-208-4561
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John Bezdek
Special Advisor to Chief of Staff
U. S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Mr. Bezdek:

Your letter of November 4, 2011 acknowledges that your Department has not “fully resolved many of the issues that separate us.” Congress, the Council on Environmental Quality and the President insist that your Department “coordinate” with Siskiyou County to resolve such issues and conflicts of federal and local positions. The requirement is to “coordinate”, not simply “meet” or “cooperate” or “consult”, but “coordinate.”

You express disappointment that the Board has not accepted your offer to participate in the NEPA process on dam destruction as a “cooperating agency”. As you know, the “cooperating agency” status is not fixed by statute. It is a participation role fixed only by regulation, and it does not provide the independence that is core of the coordination process. The Board of Supervisors for Siskiyou County has chosen to represent our citizens to the fullest extent possible through coordination. We intend to utilize the coordination process to work through federal-local conflicts regarding the critical economic and environmental (natural and human) damage that will result from destruction of the dams on the Klamath River.

Jim Cook
District 1

Ed Valenzuela
District 2

Michael Kobseff
District 3

Grace Bennett
District 4

Marcia H. Armstrong
District 5

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Your letter asserts that the definition of coordination found in the Federal Land Policy Management Act does not apply to the Secretary because the destruction of the dams is not to be carried out by the Bureau of Land Management. You make this point as though you believe that the Board and its counsel do not recognize that FLPMA is the management Act that governs range management by the Secretary through the BLM. Of course, from our prior relationships with the Department, you know that we are quite cognizant of the focus of FLPMA. You also know that the relevance of FLPMA's definition is that it contains the Congressional intent as to the elements of the federalism relationship regarding management of natural resources---management critical to the human environment of Siskiyou County citizens.

You also are aware that President Clinton's Executive Orders 12866 and 13132 require that your Department "coordinate" with Siskiyou County----mandating in 1993 and 1999 that executive agencies follow the process defined by Congress in the 1976 passage of FLPMA.

Further, you are aware that President Obama has again directed that the Secretary of Interior "coordinate" with this Board. Neither President Clinton nor President Obama evidenced any intent to define the "coordination" mandate other than as it is defined by Congress in the 1976 enactment of FLPMA.

We expect that you will meaningfully coordinate with this Board as to the issue regarding destruction of the Klamath River dams to attempt to the fullest extent possible to resolve those "issues that separate us."

You also assert in your November letter that we take Section 101 of NEPA "out of context" when we cite the "coordination" language. But, we interpret that language in the same way that the Council on Environmental Quality does. 40 CFR 1501.2 requires your Department to integrate the NEPA process "at the earliest possible time to . . .head off potential conflicts." The rule requires that you utilize the NEPA process to "the fullest extent possible" to "avoid or minimize adverse effects of these actions upon the quality

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of the human environment” The coordination process is defined by Congress as the means by which you should work to resolve the differences we have as to the economic impact and other adverse impacts destruction of the dams will have on the human (40 CFR 1508.8) and natural environments.

Congress has defined “coordination”, Presidents Clinton and Obama have ordered “coordination” and NEPA requires that you use “all practicable means” to “improve and coordinate” your “plans, functions, programs and resources.”

Your obligation to coordinate with this Board is not met and satisfied by your working with the California Department of Fish and Game as asserted in your letter. The California Department does not represent the citizens of Siskiyou County and is not charged with protection of the human and natural environments of Siskiyou County. This Board is charged with those duties.

We have expressed the County’s policy opposing destruction of the Klamath River dams on many occasions, Your November 4, 2011 assertion that you are unaware of any “possible conflicts between” destruction of the dams and “any possible future County plans” is at best disingenuous. One of the “issues that separate us” is that we clearly oppose destruction of the dams----as does the vast majority of the County’s citizens.

During the many meetings to which you refer, we have seen no meaningful attempt by the Department to resolve the conflict that exists as to the basic issue of whether to destroy the dams. We have neither heard nor seen any attempt by the Department to evaluate alternatives to destruction of the dams that would support Departmental salmon goals while sparing the County and its citizens severe economic and environmental peril.

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It is that issue we will specifically address when we meet as suggested in your letter.

We formally request that the Department meet with the Board during the meeting of March 13, 2012, or March 20, 2012, to address the following agenda items:

- Evaluation of alternatives to destruction of the dams
- Discussion of the verification of quality of the data upon which the destruction of dams alternative is based
- Discussion of the regulatory flexibility act analysis conducted as to the impact of destruction of the dams on Siskiyou County, and the towns and special districts within the County
- Discussion of Takings Implications Assessments conducted as to property uses that will be lost as a result of destruction of the dams.

Once a meeting date is scheduled, we will submit a more formal agenda, and will invite you to add any elements of discussion you feel necessary. Please contact Thomas P. Guarino, County Counsel, by March 2, 2012, to schedule a meeting.

Very truly yours,

A handwritten signature in cursive script that reads "Grace Bennett". The signature is written in black ink and is positioned above the typed name.

Grace Bennett, Chair
Siskiyou County Board of Supervisors