



EXECUTIVE ORDER NO. 10 – 10

IMPLEMENTING THE KLAMATH BASIN RESTORATION AGREEMENT AND KLAMATH HYDROELECTRIC SETTLEMENT AGREEMENT

On February 18, 2010, the State of Oregon, together with California, the federal government, tribal leaders and other stakeholders signed two historic agreements that will lead to restoration of the Klamath River Basin. The two agreements, the Klamath Basin Restoration Agreement and the Klamath Hydroelectric Settlement Agreement with PacifiCorp, together work to resolve decades-long water quantity, water quality, and fish and wildlife resource issues in the Klamath Basin, and represent the largest river and salmon restoration effort in U.S. history.

The Restoration Agreement outlines next steps to: (1) restore and sustain fish and wildlife habitat, water quality, and natural fish production and provide for full participation in ocean and river harvest opportunities of fish species throughout the Klamath Basin; (2) establish reliable water and power supplies which sustain agricultural uses, communities, and National Wildlife Refuges; and (3) contribute to the general welfare and economic viability of all Klamath Basin communities.

The Hydroelectric Settlement outlines the process for additional studies, including an environmental review, which will inform a decision by the Secretary of the Department of the Interior regarding whether the removal of the four dams owned by PacifiCorp will: (1) advance restoration of salmonid fisheries in the Klamath Basin; and (2) is in the public's interest, which includes but is not limited to consideration of potential impacts on affected local communities and tribes. The Secretary will make a determination by March 31, 2012. The earliest that dam removal would occur, if determined necessary, is in 2020.

Although signing these agreements was a landmark event, there is still much work to be done. This Order directs state agencies to collaborate on the myriad steps we must take to support the ultimate goals of dam removal and basin stability and sustainability.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. I hereby designate the Oregon Water Resources Department (WRD), the Oregon Department of Environmental Quality (DEQ), and the Oregon Department of Fish & Wildlife (ODFW) as the lead state agencies tasked with implementing Oregon's responsibilities as outlined in the Klamath Basin Restoration Agreement (KBRA) and the Klamath Hydroelectric Settlement Agreement (KHSa).



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2. All state agencies shall communicate and coordinate with WRD, DEQ, and ODFW about all matters pertaining to the implementation of the KBRA and KHSA.

3. Within ninety (90) days of the issuance of this Order, WRD, DEQ and ODFW shall enter into a Memorandum of Understanding (MOU) outlining agency action required to implement the KBRA and KHSA. Prior to signature, the MOU shall be presented to the Governor and the Governor's natural resources senior policy adviser for review and approval.

4. At a minimum, the MOU shall outline how WRD, DEQ, and ODFW will coordinate action required to implement the KHSA, including but not limited to:

- a. The participation in and review of federal studies pertaining to dam removal;
- b. The review and comment on National Environmental Policy Act (NEPA) documents, including any Draft Environmental Impact Statement;
- c. The preparation of a proposed final order for water right reauthorization;
- d. The estimation of project-specific fees for inclusion in water right reauthorization;
- e. The development of state concurrence regarding the Secretary's determination;
- f. The issuance of Section 401 Clean Water Act certification and state permits.

5. The MOU shall also provide how WRD, DEQ and ODFW will coordinate agency action related to the implementation of the KBRA, including but not limited to:

- a. The development of a fish reintroduction plan;
- b. The development of an anadromous fish conservation plan;
- c. The development of a Klamath Basin drought plan;
- d. The participation in the Technical Advisory Team;
- e. The participation in the Klamath Basin Coordinating Council and the Klamath Basin Advisory Council; and
- f. The participation in the Water Use Retirement Program.



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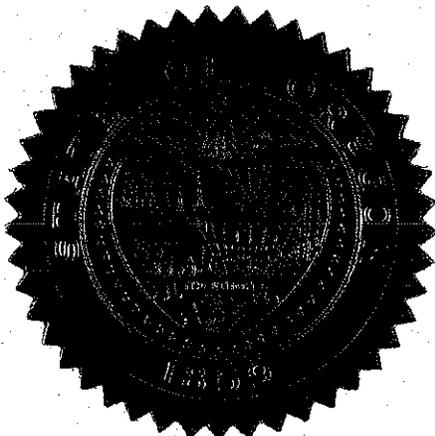
6. WRD, DEQ, and ODFW shall form an interagency team of staff to assist the Oregon Department of Justice with any litigation that arises related to the KBRA or KHSA.

7. If at any point WRD, DEQ, and ODFW are unable to reach consensus on the appropriate state agency action required to implement the KBRA or KHSA, their agency heads shall contact the Governor and the Governor's natural resource senior policy advisor for further direction.

8. The Governor shall designate a member from his staff or the staff of WRD, DEQ, or ODFW to serve as the representative of the State of Oregon on voting matters within the Klamath Basin Coordinating Council (established by the KBRA) and the Klamath Basin Advisory Council (established by the KBRA).

9. This Order shall expire on December 31, 2020.

Done at Salem, Oregon this 23rd of November, 2010.




Theodore R. Kulongoski
GOVERNOR

ATTEST:


Kate Brown
SECRETARY OF STATE