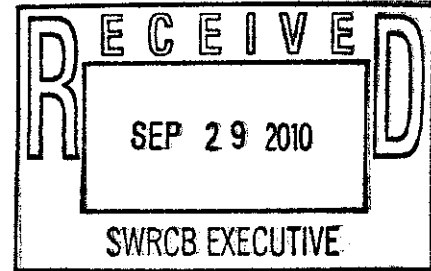




September 22, 2010

Mr. Thomas Howard  
Mr. Charles Hoppin  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 94812-0100



Re: State Water Resources Control Board Resolution Number 2010-0024 (the Resolution.)

Dear Mr. Howard and Mr.Hoppin:

By letter dated September 16, 2010, PacifiCorp, the owner of the hydroelectric dams which are the subject of the above referenced Resolution, requested the State Water Resources Control Board (SWRCB) to amend the Resolution to delete or clarify the language contained in the Klamath Hydroelectric Settlement Agreement (KHSA) with respect to the introduction of legislation to support the Agreement. The Resolution, in its current form, presently provides that such legislation must be introduced by June 18, 2010 (plus 90 days). In so doing, the Resolution misstates the Agreement.

Section 2.1.1 of the Agreement provides, in pertinent part, as follows:

The Parties acknowledge that legislation is necessary to provide certain authorizations and appropriations to carry out this Settlement as well as the KBRA...The Parties agree that the goal is introduction of legislation within 90 days of the Effective Date.

The parties are working with the United States Department of Interior to prepare and introduce in Congress the legislation contemplated by Section 2.1.1 of the Agreement. However, the Agreement does not require the legislation to be introduced by a date certain, and as such, the Resolution misstates the Agreement.

The purpose of the Resolution is to specify the conditions pursuant to which Section 401 of the Clean Water Act may be held in abeyance. Such abeyance is contemplated by the Agreement, and it should not be terminated merely because the implementing legislation has not yet been introduced in Congress. As such, I respectfully request the SWRCB review this provision of the Resolution and amend it to more accurately reflect the terms of the Agreement.

Thank you for your consideration and attention to this request.

Very truly yours,

Lester A. Snow  
Secretary for Natural Resources

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

