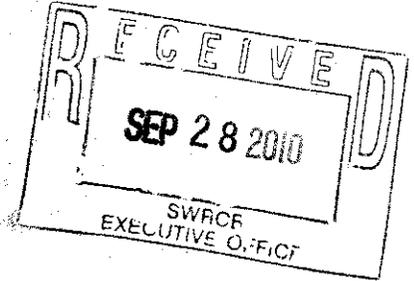


September 20, 2010

Ms. Jeanine Townsend
Clerk to the Board
Executive Office
State Water Resources Control Board
1001 "I" Street, 24th Floor
Sacramento, California 95814-2828



LATE COMMENT

Comment Letter - Oroville Draft Water Quality Certification

Dear Ms. Townsend:

The Konkow Valley Band of Maidu ("Konkow Indian Tribe") submits this comment letter as a Party to the Settlement Agreement for Licensing of the Oroville Facilities (March 2006) ("Settlement Agreement"). The Settlement Agreement, with 51 organizational and 2 individual signatories, is the culmination of years of intense collaborative efforts, studies, and negotiations among a broad and diverse array of stakeholder interests, including State and Federal resource agencies, local governments and residents, tribal interests, non-governmental organizations, and water contractors.

In the Settlement Agreement the Parties agree that the environmental protection, mitigation, and enhancement ("PM&E") measures proposed for the new Oroville Facilities license are fair, reasonable, and in the public interest; satisfy applicable state and federal regulatory requirements; and represent an appropriate balance of beneficial uses of the waterway. Collectively, these measures provide multiple benefits to the Konkow Indian Tribe, first as members of the affected general community, but also specifically as a Native American tribe with unique interests. These benefits include, but are not limited to the following:

- Voice on the Recreation Advisory Committee
- Voice on the Environmental Committee
- Additional salmon fishery habitat enhancement
- Recognition of the need for reinterring Native American remains
- Supplemental Benefits Fund

The Settlement Agreement provides that if the Section 401 certification or FERC license materially modifies the Appendix A Proposed License Articles by changing, deleting, or adding new requirements not included in the Settlement Agreement, a Party may ultimately withdraw from the Settlement Agreement. If the Department of Water Resources withdraws from the Settlement Agreement, the agreement will terminate.

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The Konkow Indian Tribe strongly urges the Water Board to issue a final 401 certification that incorporates the PM&E measures as agreed to in the Settlement Agreement, without material modifications. Failure to do so could result in withdrawals from, and termination of, the Settlement Agreement and related agreements. This would result in a consequent loss of important benefits for the community, the environment, and the Konkow Indian Tribe.

Sincerely,

A handwritten signature in cursive script that reads "Patsy Seek".

Patsy Seek, Chairwoman
Konkow Valley Band of Maidu